

**In the Matter Of:**

*KERRY LEE THOMAS vs*

*ERIC M. BRUSS*

---

*WAYNE SCHULTZ*

*April 02, 2024*

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A P P E A R A N C E S

(all attendees appearing via remote videoconference)

REPRESENTING THE PLAINTIFF:

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THE VIDEOGRAPHER/VIDEOCONFERENCE TECHNICIAN:

Mr. Deane Carstensen

ALSO PRESENT:

Ms. Cassidy Kristal-Cohen, paralegal

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PROCEEDINGS

(On the record at 9:18 a.m. CST)

THE VIDEOGRAPHER: Okay. We are now on the record. My name is Deane Carstensen. I'm the videographer representing Lexitas.

This is a video deposition for the United States District Court for the Southern District of Texas, Houston Division. Today's date is April 2nd, 2024. The time right now is 9:18 a.m. Central Daylight Time.

This deposition is being held remotely in the matter of Kerry Lee Thomas versus Eric M. Bruss, Wayne Schultz, and Keith Morris, in his capacity as temporary defendant administrator of the estate of Robert Johnson, Case Number 4:23-cv-00662.

The deponent today is Wayne Schultz.

Would all counsel please identify themselves and state who you represent, beginning with the questioning attorney.

MS. LaVARCO: Shirley LaVarco for plaintiff, Kerry Lee Thomas.

1 MS. FRANCIS: Brittany Francis for  
2 plaintiff, Kerry Lee Thomas.

3 MS. VINSON: Celena Vinson for  
4 Wayne Schultz.

5 MS. VESTAL: Katie Vestal for Wayne  
6 Schultz.

7 THE VIDEOGRAPHER: Thank you.

8 Our court reporter today is Becky  
9 Graziano, who will now swear in the  
10 witness.

11 (Witness duly sworn.)

12 MS. LaVARCO: I'd like to begin by  
13 quickly placing on the record that  
14 plaintiff's counsel proposed a few  
15 stipulations in advance of this  
16 deposition. Defendants' counsel has not  
17 agreed to them.

18 The stipulations are as follows:  
19 One, neither Defendant Schultz nor his  
20 counsel shall disable their video,  
21 obstruct, or evade the view of their web  
22 camera without notice and explanation to  
23 plaintiff and his counsel.

24 Two, to the extent persons other  
25 than counsel or the deponent are present

1 for the deposition, such persons shall not  
2 disable their video, obstruct, or evade  
3 the view of their web camera without  
4 notice and explanation to the parties and  
5 their counsel.

6 Three, Defendant Schultz may not  
7 confer with his counsel -- whether  
8 verbally, nonverbally, electronically, or  
9 otherwise -- during questioning or at any  
10 time other than during agreed-upon breaks,  
11 except about whether to assert a  
12 privilege. The basis for any such  
13 privilege shall be clearly stated for the  
14 record in the manner described in  
15 Rule 26(b)(5) of the Federal Rules of  
16 Civil Procedure.

17 In accordance with the parties' --  
18 four, in accordance with the parties'  
19 agreed-upon protocols during Defendant  
20 Bruss' deposition, Defendant Schultz and  
21 his counsel will permit plaintiff's  
22 counsel to finish her line of questioning  
23 before taking a break.

24 Five, Defendant Schultz may not  
25 confer -- whether verbally, nonverbally,



1 electronically, or otherwise -- with any  
2 person other than counsel about the  
3 deposition from the time the deposition  
4 begins until it concludes.

5 Again, counsel for Mr. Schultz has  
6 not agreed to these stipulations, and the  
7 parties have agreed that we are taking the  
8 deposition pursuant to the Federal Rules  
9 of Civil Procedure.

10 Can you confirm that on the record,  
11 Ms. Vinson?

12 MS. VINSON: We agree to follow the  
13 Rules of Civil Procedure, yes.

14 MS. LaVARCO: Thank you.

15 WAYNE SCHULTZ,  
16 being first duly sworn, testified as follows:

17 EXAMINATION

18 BY MS. LaVARCO:

19 Q Mr. Schultz, it's good to see you again.  
20 My name is Shirley LaVarco and I'll be taking your  
21 deposition today.

22 A Good morning, ma'am.

23 Q Can you please state your full name for  
24 the record?

25 A Wayne Robert Schultz.

1 Q Schultz is S-c-h-u-l-t-z?

2 A That is correct, ma'am.

3 Q Thank you.

4 And you're here today represented by  
5 counsel?

6 A Yes, ma'am.

7 Q Is that Celena Vinson and Katie Vestal?

8 A It is.

9 Q Is anyone else present with you today?

10 A No, ma'am.

11 Q For Defendant Bruss' deposition, both you  
12 and Carl Shaw took turns joining us. Is anyone  
13 else planning on joining us today?

14 A I don't believe so, ma'am.

15 Q Have you ever been deposed before,  
16 Mr. Schultz?

17 A No, ma'am.

18 Q I'd like to go over a few ground rules for  
19 this deposition so that we can all have the same  
20 understanding.

21 Does that sound fair?

22 A Yes, ma'am.

23 Q In this deposition, I'll be asking you  
24 questions. My questions and your answers will be  
25 recorded by the court reporter, Ms. Graziano.

1 Do you understand that you need to  
2 speak up and to answer so the reporter can -- so  
3 the court reporter can hear you when you give your  
4 answers?

5 A I do.

6 Q Do you understand that the court reporter  
7 won't be able to record a nod, a shake of your  
8 head, or a grunt?

9 A Yes, I do.

10 Q You understand that you've just taken an  
11 oath to tell the truth, and even though we're in  
12 this informal setting over Zoom today, that oath  
13 that you've taken has the same force and effect as  
14 the oath you would take in front of a judge and a  
15 jury?

16 A I do.

17 Q Just a couple of housekeeping items.

18 Do you have any other electronic  
19 devices on you today other than the computer that  
20 you're using for the Zoom?

21 A I do not.

22 Q Do you have any other applications open on  
23 the computer?

24 A I do not.

25 Q Do you understand that you're not meant to

11

1 confer with counsel or any other person during  
2 questioning, including during breaks, about the  
3 deposition except with respect to a matter of  
4 privilege?

5 A Yes.

6 Q Do you understand that you're not meant to  
7 communicate with counsel or any other person by  
8 phone or electronic communications except with  
9 respect to a matter of privilege with your  
10 counsel?

11 A I do.

12 Q Do you understand that includes both  
13 verbal communications and nonverbal signals?

14 A Yes.

15 Q Thank you.

16 A You're welcome.

17 Q Mr. Schultz, is there any reason why you  
18 can't testify truthfully and accurately here  
19 today?

20 A No, ma'am.

21 Q Have you consumed alcohol within the last  
22 24 hours?

23 A I have not.

24 Q Have you taken any drugs within the last  
25 24 hours?

12

1 A No, ma'am.

2 Q Are you aware of any physical condition  
3 that would affect your ability to testify  
4 truthfully and accurately here today?

5 A No, ma'am.

6 Q Are you aware of any mental condition that  
7 would affect your ability to testify truthfully  
8 and accurately here today?

9 A No, ma'am.

10 Q Are you taking any medications that would  
11 affect your ability to testify truthfully and  
12 accurately here today?

13 A No, ma'am.

14 Q Are there any medications that you should  
15 have taken today that you failed to take which  
16 would affect your ability to testify truthfully  
17 and accurately here today?

18 A No, ma'am.

19 Q Is there any other reason why you cannot  
20 testify truthfully and accurately here today?

21 A No, ma'am.

22 Q At the end of your deposition, you'll  
23 receive a transcript and have an opportunity to  
24 review it with counsel and make any changes that  
25 you need to. If you make any substantive changes,

13

1 such as changing a "yes" answer to a "no" answer,  
2 I am allowed to comment on that later in the  
3 proceedings, as it speaks to your credibility.

4 Do you understand that?

5 A Yes, ma'am.

6 Q I'd ask that you give verbal responses.  
7 As I've mentioned, gestures aren't captured on the  
8 transcript.

9 I'd ask that only one person speak  
10 to -- speak at a time.

11 We can take breaks as needed for any  
12 of the parties, but I would ask that I be  
13 permitted to finish my question or line of  
14 questioning first.

15 Does that sound okay?

16 A Yes, ma'am.

17 Q I ask that you wait for me to finish a  
18 question before answering and that you do so  
19 verbally.

20 Periodically throughout the  
21 deposition, your attorney will object. You're  
22 required to answer my question unless your  
23 attorney instructs you not to answer.

24 Do you understand that?

25 A I do, yes, ma'am.

1 Q If I ask a question that you don't  
2 understand, will you let me know so that I can  
3 reframe it so that you do understand?

4 A I will.

5 Q If you don't hear a question, will you let  
6 me know?

7 A Yes, ma'am, I will.

8 Q And if my question is unclear in any way,  
9 will you let me know?

10 A I certainly will, yes, ma'am.

11 Q If you don't know the answer to my  
12 question, will you say so?

13 A Of course.

14 Q If there's something that might help you  
15 remember the answer to my question or refresh your  
16 recollection, will you let me know what that  
17 something is?

18 A Yes, ma'am.

19 Q If you refresh your memory with a document  
20 or recording to answer any of my questions, will  
21 you tell me that you've done so and also let me  
22 know which document or recording that was?

23 A Yes, ma'am.

24 Q As the deposition proceeds today, if you  
25 start thinking back to something you said earlier

15

1 in the deposition and you realize you made a  
2 mistake, you weren't clear, you left something  
3 out, or for any reason -- any other reason you'd  
4 like to go back and talk about an area of  
5 questioning again, will you let me know?

6 A Yes, ma'am.

7 Q We can do that even if we've moved on to  
8 another area, and I'll come back and ask you more  
9 questions about that first area.

10 Do you understand?

11 A Yes, I do.

12 And I'm going to apologize. I'm going  
13 to be clearing my throat. The weather got bad  
14 here so I'm fighting a little bit of a cold coming  
15 on.

16 Q That's totally fine --

17 A Okay.

18 Q -- as long as it doesn't affect your  
19 ability to answer truthfully and accurately today.

20 A No, ma'am. Not at all.

21 Q Has anything I've said so far been unclear  
22 or objectionable to you?

23 A No, ma'am. Nope. We're good.

24 Q Okay. What did you do to prepare for  
25 today's deposition?



16

1 A I had some meetings with my attorney.

2 Q Which attorneys?

3 A With Katie and with Celena.

4 Q Did you meet with any other attorneys?

5 A I did not.

6 Q How many -- about how many meetings did  
7 you have with Celena and Katie?

8 A Maybe two.

9 Q How long were those meetings?

10 A Hour, hour and a half, two hours.

11 Q When did they take place?

12 A Oh, one last week and one a couple months  
13 ago.

14 Q Did you prepare again this morning with  
15 your attorneys?

16 A No, ma'am.

17 Q Have you met or spoke with anyone from  
18 Precinct 1 at the Harris County Constable's Office  
19 to help prepare you for this deposition?

20 A No, ma'am.

21 Q Have you met or spoke with anyone from  
22 your union, if you're a member of the union?

23 A No.

24 Q Have you met or spoke with anyone from  
25 your current job to help you prepare for this

1 deposition?

2 A No, ma'am.

3 Q Have you discussed this deposition with  
4 anyone other than your attorneys?

5 A No, ma'am.

6 Q Did you review any documents to help you  
7 prepare for this deposition?

8 A I went over my report a little bit.

9 Q Did you review any other documents?

10 A I did not.

11 Q Did you review any video or audio  
12 recordings to help you prepare for the deposition?

13 A I did.

14 Q Which videos or audio recordings are  
15 those?

16 A The video from my body cam.

17 Q Did you also review your dash cam footage?

18 A I did not.

19 Q Did you review any other body camera  
20 footage?

21 A I -- there was some that we went over just  
22 briefly. I believe Bruss' -- over Eric Bruss'.

23 Q Anyone else's body camera footage that you  
24 reviewed?

25 A I don't recall. No, ma'am.

18

1 Q Any other audio footage that you reviewed?

2 A No, ma'am.

3 Q Any other dash camera footage that you  
4 reviewed?

5 A No, ma'am.

6 Q Did you review any photos to help you  
7 prepare for this deposition?

8 A I did not.

9 Q Is there anything else I haven't mentioned  
10 in terms of documents, photographs, or other --  
11 other records that you reviewed to help you  
12 prepare?

13 A I believe I looked at the call log, the --  
14 the call log, which -- the radio log, which  
15 documented when people arrived on scene, when they  
16 got dispatched to scene, that thing.

17 Q Understood.

18 Is that the CAD report?

19 A I believe it's called the "CAD report,"  
20 yes, ma'am.

21 Q Okay. Any other documents?

22 A No, ma'am.

23 Q Have you ever gone by any other names,  
24 nicknames, or aliases?

25 A No, ma'am.

1 Q Where do you currently work?

2 A I currently work for a company called EPS  
3 in -- oh, my gosh. Don't tell them I said this --  
4 Electronic Protection Systems.

5 Q What sort of company is that?

6 A It does alarms, home automation, video  
7 surveillance. That type of stuff.

8 Q And what kind of work do you do for them?

9 A Sales.

10 Q How long have you worked for that company?

11 A Three months.

12 Q Do you remember when you started there?

13 A I don't remember the exact date.

14 Q Have you taken a leave of absence from  
15 that job of any kind at any point since starting  
16 it?

17 A Not really. It's sales, so I kind of make  
18 my own schedule.

19 Q Approximately how many hours do you work  
20 in a given week?

21 A Oh, goodness. I could work anywhere from  
22 80 to 20 -- or 20 to 80, whichever way you want to  
23 look at it.

24 Q What kind of equipment are you selling?

25 A Just equipment based on alarm -- alarm

1 detail stuff.

2 Q Have you ever been asked to resign from  
3 that job?

4 A No, ma'am.

5 Q What's your title?

6 A I am a territory manager.

7 Q What does "territory" refer to?

8 A Just the area that I'm assigned to that I  
9 manage.

10 Q Do you mean a geographic area?

11 A Yes, ma'am.

12 Q Have you had any other titles at EPS?

13 A No. Not yet.

14 Q Who is your supervisor at EPS?

15 A Yvonne Hinds.

16 Q Can you spell that name for me?

17 A Y-v-o-n-n-e; Hinds, H-i-n-d-s.

18 Q Has anyone else supervised you at EPS?

19 A No.

20 Q Did you take any time off between starting  
21 work at EPS and your previous job?

22 A EPS is my -- oh, yes, I did. I'm sorry.  
23 I misunderstood the question, then I -- it clicked  
24 in my head.

25 Q Okay. So you took some time off before

1 you started?

2 A I took a -- I took a little bit of time  
3 off, yes, ma'am.

4 Q About how much time?

5 A About four months.

6 Q Did you work at all during that four  
7 months?

8 A Not very much, no.

9 Q But you worked some?

10 A Just a little bit here and there.

11 Q What sort of work did you do --

12 A Stuff for my mom. Just stuff for the  
13 family type of stuff.

14 Q Were you compensated for that work?

15 A Depends on how you look at that. She gave  
16 me food.

17 Q And what sort of work was that?

18 A I just -- she -- my mom is -- since my dad  
19 passed away, she's ridden to a chair, so I go over  
20 and do chores. I do the lawn. I do the -- take  
21 care of the pool, take care of the dog, cook for  
22 her. That type of stuff. Kind of like a  
23 caregiver.

24 Q Understood.

25 Did you work for anyone other than

1 family during -- during the three or four months  
2 before you started working at --

3 A I did. I had a brief stint at a company  
4 called Vacations To Go, where I sold packages to  
5 cruise lines. I was there for maybe three weeks.  
6 It just wasn't for me.

7 Q Why wasn't it for you?

8 A I don't know. I guess because people were  
9 having fun and I wasn't getting to, so...

10 Q How did you leave that job?

11 A I just ended up taking a leave of absence.  
12 I was going to go back to it, but I just didn't.

13 Q Were you asked to take a leave of absence?

14 A No, I was not.

15 Q Did you work anywhere else during those  
16 four months?

17 A I did not.

18 Q And prior to -- prior to that period,  
19 where you just did a little bit of work here and  
20 there, what was your job before that?

21 A When I was at Precinct 1? Is that what  
22 you're asking me? I'm not -- I --

23 Q I'm trying to -- apologies.

24 I'm trying to proceeding sort of  
25 chronologically to the job you have now to the job

1 before that and the job before that. So --

2 A The job before that would have been  
3 Precinct 1.

4 Q You didn't work at another precinct after  
5 Precinct 1?

6 A Precinct -- yes. I did work at Precinct 6  
7 for a week.

8 Q You worked at Precinct 6 just for a week?

9 A One week, yes.

10 Q When was that?

11 A Oh, July -- middle of July to a week  
12 after. It was about seven days. Something like  
13 that.

14 Q In July of 2023?

15 A Yes. Yes.

16 Q Who was your supervisor there?

17 A Oh, my goodness. I don't even know if I  
18 was there long enough.

19 I guess I would just say Silvia  
20 Trevino, the constable. I never really got  
21 assigned a supervisor.

22 Q What did you do during that week?

23 A Twiddled my thumbs. I -- they never  
24 assigned me anywhere because I had time that I  
25 needed to take off from Precinct 1. So I had to



1 burn some time, so I -- even though I had a badge  
2 and an ID, I wasn't assigned anywhere, and then  
3 she released me of duty, actually, because of this  
4 case.

5 Q How did that come about, that you were  
6 released of duty?

7 A She just called me and said this wasn't  
8 over with. She couldn't have me working there  
9 right now.

10 Q And by "this case," you mean the case that  
11 you're being deposed for today?

12 A That is the one.

13 Q Did she say anything else?

14 A No, ma'am.

15 Q When you said that you had some time to  
16 take off during Precinct 1, did you mean rollover  
17 paid time off or something to that effect?

18 A Yes. My compensatory time was high and  
19 they didn't like it that high at that agency, so  
20 they had me burn a week, 40 hours.

21 Q Precinct 6 didn't like your compensatory  
22 time and asked you --

23 A Yeah. They have a -- they have a set  
24 amount of time they like their deputies to have in  
25 case a hurricane or something like that comes up,

25

1 then they don't go over and end up having to pay  
2 overtime.

3 Q How did you respond when the constable at  
4 Precinct 6 asked you to leave?

5 A Well, I wasn't happy about it, but I --  
6 you know, what was I going to do? She didn't want  
7 me there and I wasn't going to fight about it.

8 Q Did you talk to her about it other than  
9 that phone call?

10 A Nope.

11 Q Did you talk to anybody else at Precinct 6  
12 about it other than that phone call?

13 A Nope.

14 Q What about any of your former colleagues  
15 at Precinct 1? Did you talk to any of them about  
16 being asked to leave Precinct 6?

17 A No.

18 Q For the week that you were at Precinct 6,  
19 what was your rank or title?

20 A Deputy.

21 Q Did you take any time off in between being  
22 hired at Precinct 6 and your previous job?

23 A Yes.

24 Q How much time?

25 A I don't -- I don't recall.

1 Q Do you recall an approximate number of  
2 months?

3 A A couple months. Like I'd said earlier, a  
4 couple months. Three months. Something in that  
5 neighborhood.

6 Q During those three months before you  
7 worked at Precinct 6, did you have any other jobs  
8 or side hustles?

9 A "Side hustles"? What does that mean?

10 Q It might mean the sort of work that you  
11 did for your mom, for example, or --

12 A Okay.

13 Q -- any self-employment.

14 A I just -- no. I don't believe so, no.

15 Q So you didn't work at all for those --

16 A I just took a little time -- a little time  
17 off.

18 Q Okay. Did you stay in town during that  
19 time?

20 A I left town, I came back; I left town, I  
21 came back. I went on a cruise.

22 Q Where did you go when you left town?

23 A Miami.

24 Q Anywhere else?

25 A Galveston.

27

1 Q Anywhere else?

2 A Nope.

3 Q Okay. And before Precinct 6, where did  
4 you work?

5 A Precinct 1.

6 Q How long did you work at Precinct 1?

7 A About three years.

8 Q When were you hired from Precinct 1?

9 A On September 11th of 2020.

10 Q Did you ever take a leave of absence of  
11 any kind while you were employed at Precinct 1?

12 A I did not.

13 Q Do you remember the date you terminated  
14 your employment with Precinct 1?

15 A I want to say it was July 6th, but don't  
16 quote me on that. I think it was July 6th.

17 Q July 6th of 2023?

18 A Yes.

19 Q What was the last rank that you held at  
20 Precinct 1?

21 A Sergeant.

22 Q How long did you hold that rank?

23 A About two-and-a-half years.

24 Q What were your duties as a sergeant at  
25 Precinct 1?

1       A       Just patrol, supervising some of the  
2       deputies on my shift, on night shift.

3       Q       Approximately how many deputies did you  
4       supervise?

5       A       I think we had 22 or 24 on the shift, and  
6       it was split up between myself and another  
7       sergeant. But we supervised all of them.

8       Q       Were they in any special units or have any  
9       areas of specialization?

10      A       Nope. Just generic police work.

11      Q       Understood.

12                   Where did you work before Precinct 1?

13      A       I worked for the Harris County Sheriff's  
14      Office.

15      Q       How long did you work for the Harris  
16      County Sheriff's Office?

17      A       Four-and-a-half years.

18      Q       Why did you leave the sheriff's office?

19      A       To take a position with Precinct 1 and get  
20      back into supervision.

21      Q       Did you ever take a leave of absence while  
22      you were with the sheriff's office?

23      A       I did not.

24      Q       What was the last rank or title you held  
25      at the sheriff's office?

29

1 A I was a homicide detective.

2 Q What other ranks or titles did you hold?

3 A That was it.

4 Q Did you hold any title -- ranks or titles  
5 other than sergeant at Precinct 1?

6 A I was a corporal and a deputy.

7 Q What were your duties at the Harris County  
8 Sheriff's Office as a homicide detective?

9 A Investigating murders.

10 Q Did you take any time off between your  
11 work at the Harris County Sheriff's Office and  
12 your work at Precinct 1 at the constable's office?

13 A I did not.

14 Q Have you worked any part-time jobs that  
15 you haven't mentioned?

16 A Part-time as in, like, the  
17 moonlighting-type jobs that cops work? Is that  
18 what you're talking about? Yes.

19 Q What moonlighting jobs have you worked?

20 A I worked at a company called Axiom, which  
21 is who's building the new space station. I was  
22 security for their exterior building. And I  
23 worked for AT&T as security inside one of their  
24 facilities in Humble, and I worked the Shell Open.  
25 I worked the Houston Rodeo.

30

1                   There might be some other -- I mean,  
2   we would take stuff every once in a while, but I  
3   just -- I can't recall, but -- oh, and I worked  
4   Stetsons Nightlife. That was one of the ones I  
5   worked also.

6       Q       Did you work at Axiom while you were  
7   employed at the sheriff's office or while you were  
8   employed at Precinct 1?

9       A       Precinct 1.

10      Q       What about at Houston Rodeo?

11      A       Sheriff's office and Precinct 1.

12      Q       Shell Open?

13      A       I don't think I ever worked the Shell Open  
14   for the sheriff's office. Only for Precinct 1.

15      Q       What is Shell Open?

16      A       It's a golf tournament that is played here  
17   in Houston.

18      Q       When did you work at Stetsons Nightlife?

19      A       Oh, wow. I worked there for about four  
20   years. I worked Saturday nights -- or Friday  
21   nights? I can't remember. Working the kids that  
22   come in there and try to keep them from drinking  
23   and stuff.

24      Q       What do you mean by "kids"?

25      A       Kids under 21. 18- to 21-year-olds that

1     come in there and sometimes the young kids that  
2     weren't even 18 and have to ID them and stuff,  
3     make sure that they didn't get in any kind of  
4     trouble.

5     Q       Before the Harris County Sheriff's Office,  
6     where did you work?

7     A       Harris County Precinct 4 Constable's  
8     Office.

9     Q       How long did you work for Precinct 4?

10    A       I started my career there in 1991, and I  
11    bounced back and forth between there and the  
12    Brazos County Sheriff's Office a couple of times  
13    because I went into business with my parents, and  
14    had moved up to Bryan-College Station for a stint,  
15    for about two-and-a-half years, but came back,  
16    went to work for the Houston Community College  
17    Police Department, worked there for a year in '99.

18           And then in 2000, I went back to  
19    Precinct 4, when Ron Hickman took over, and I was  
20    there until 2016.

21    Q       How long did you work at Precinct 4?

22    A       I mean, off and on, from '91 to '16,  
23    whatever -- how many years that -- I don't -- I'm  
24    not good at math. I can put murderers in jail,  
25    but I'm not real good at math.



1 Q The dates are fine with me.

2 A Thank you.

3 Q And you said you were going back before  
4 Precinct 4 and where?

5 A The Brazos County's Sheriff's Office up in  
6 Bryan-College Station.

7 Q When did you first work for the Brazos  
8 County Sheriff's Office?

9 A I want to say in '97.

10 Q Did you ever take of any -- did you ever  
11 take a leave of absence of any kind while you were  
12 employed with Precinct 4?

13 A I didn't take a leave of absence until  
14 this last July. I've been solid ever since.

15 Q Okay. What ranks or titles did you hold  
16 at Precinct 4?

17 A I was a deputy, a corporal, a sergeant, a  
18 lieutenant, and a captain.

19 Q Was captain the last title you held?

20 A Yes, ma'am.

21 Q What ranks or titles did you hold at the  
22 Brazos County Sheriff's Office?

23 A Deputy.

24 Q Exclusively deputy?

25 A Yes, ma'am.

1 Q Did you work for Brazos and Precinct 4  
2 simultaneously?

3 A No. No. I would drop one and get the  
4 other, like, the same day.

5 Q What ranks or titles did you hold at the  
6 Houston Community College Police Department?

7 A Officer, I think is what their rank was.

8 Q No other ranks?

9 A No, ma'am.

10 Q Do you remember the years that you worked  
11 there?

12 A Which one?

13 Q The Houston Community College Police  
14 Department.

15 A I want to say I was there from  
16 September of '99 to September of 2000.

17 Q Why did you jump around between so many  
18 police departments?

19 A It sounds like I jumped around, but I was  
20 just trying to take care of my parents. And at  
21 the time, I didn't know who was going to win the  
22 election when I came back to Houston, so I took  
23 the job at Houston Community College, just waiting  
24 to see who was going to be the boss at Precinct 4.  
25 And when Ron Hickman ended up winning, I went back

1 over.

2 Q Were you ever asked to resign from any  
3 job?

4 A Just the last one I had, the Precinct 1.

5 Q Were you ever fired from any job?

6 A Never.

7 Q Have you ever resigned for a job -- from a  
8 job because if you didn't resign, you might have  
9 been fired instead?

10 A Only the -- Precinct 1.

11 Q Have you ever received a discharge from a  
12 law enforcement agency below honorable, such as  
13 general or dishonorable?

14 A Only from Precinct 1.

15 Q You said at one point you were worried  
16 about who your boss would be. What were you  
17 worried about specifically?

18 A I wasn't worried. I just wanted to work  
19 for a certain person.

20 Q Who did you want to work for?

21 A Ron Hickman.

22 Q Why did you want to work for Ron?

23 A He's a good man, full of integrity.

24 Q Did you find your previous employer not to  
25 be a good man?

1 A No. Everyone's been good.

2 MS. VINSON: Object to form.

3 BY MS. LaVARCO:

4 Q Where did you grow up, Mr. Schultz?

5 A Humble, Texas.

6 Q Have you worked for any law enforcement  
7 agency you haven't mentioned yet?

8 A Yes. I was at -- well, I didn't work  
9 there very long. It was Harris County Precinct 3  
10 Constable's Office, and I held a reserve  
11 commission there for, like, five months, but I --  
12 I never even put on a uniform there. But it will  
13 show up on my records.

14 Q What's a "reserve commission"?

15 A It just means you're nonpaid. They pick  
16 up your commission to be a police officer. But I  
17 never even got uniforms from there, but it does  
18 show up on my records.

19 Q Why was it so short-lived?

20 A Because I wanted to be full-time, so I  
21 took a full-time position back in Precinct 4.

22 Q Okay. Have you lived in Texas all your  
23 life?

24 A No, ma'am.

25 Q Where else have you lived?

1 A Upstate New York.

2 Q Where upstate?

3 A Rochester.

4 Q What did you do when you were in

5 Rochester?

6 A I was a kid. I played being a kid.

7 Q Did you grow up in Rochester or between

8 Rochester --

9 A No, ma'am. I've been in Texas since 1977.

10 I was born in '70, so I was only up there about

11 seven years.

12 Q So you were born in Rochester?

13 A I was born in Albion.

14 Q Where is Albion?

15 A A-l-b-i-o-n.

16 It's just going towards Niagara Falls

17 from Rochester.

18 Q I see.

19 Did you live anywhere else other than

20 the Rochester area in New York and in Texas?

21 A No. I mean, I've stayed places, but no,

22 I've never lived anywhere else.

23 Q What do you mean by "stayed places"?

24 A When you go on vacation and it just ends

25 up taking six months to come home.

1 Q Where did you take a vacation for six  
2 months?

3 A I went to Colorado for a little bit. My  
4 family had a motel up there in Salida, Colorado.  
5 I stayed up there for a little bit.

6 It was when I was a teenager. A long  
7 time ago.

8 Q I see.

9 Did you ever have any extended  
10 vacations or leaves like that as an adult?

11 A Unfortunately, no. Still waiting.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Government	Percentage
Current government	85%
Previous government	15%

Government	Percentage
Current government	65%
Previous government	35%



1 you were growing up?

2 A They owned a bridal shop.

3 Q Where was that?

4 A Humble, H-u-m-b-l-e.

5 Q Humble, Texas?

6 A Yes, ma'am.

7 Q Have you ever been arrested before,

8 Mr. Schultz?

9 A I have.

10 Q When have you been arrested before?

11 A Criminal mischief.

12 Q What were the circumstances of that

13 arrest?

14 A I stole a pumpkin.

15 Q Where did you steal a pumpkin from?

16 A Front yard of someone's house when I was

17 19.

18 Q Were you convicted?

19 A No. I did -- well, I did deferred  
20 adjudication. I paid a fine. So, yeah, I was  
21 convicted. I'm a big, bad criminal.

22 Q Pumpkin-stealing criminal?

23 A Yes.

24 Q Have you ever been arrested other than for  
25 the criminal mischief charge?

1 A No, ma'am.

2 Q Have you ever been accused of domestic  
3 violence?

4 A No, ma'am.

5 Q Have you ever been accused of harassment?

6 A No.

7 Q Assault?

8 A No.

9 Q Stalking?

10 A No.

11 Q Sexual assault?

12 A No.

13 Q Do you have any tattoos, Mr. Schultz?

14 A I do.

15 Q What tattoos do you have?

16 A I just have tattoos of sharks and -- just  
17 tattoos that I like the colors of.

18 Q What other tattoos, apart from sharks, do  
19 you have?

20 A I have some tattoos of, like, the  
21 Archangel Michael and the knights of the Templar  
22 and a samurai warrior.

23 Q What are the knights of the Templar?

24 A I don't know. They're some religious  
25 group from back in the Crusader days. I just

1     liked the tattoo. I thought it looked cool.

2     Q        So you didn't know what it was before you  
3     got the tattoo?

4     A        I knew the -- I knew the history of them,  
5     but I didn't know -- I mean, it really has no  
6     symbolism to me other than I liked the way it  
7     looked.

8     Q        What's the history that you knew?

9     A        I just knew from the Crusaders. I had  
10    seen movies about it.

11    Q        Any other tattoos?

12    A        I have a bulldog.

13    Q        Are you a member of any organizations or  
14    associations?

15    A        No.

16    Q        Are you a member of any sports teams?

17    A        Like do I play sports? Like am I a  
18    football player? I don't understand the question.

19    Q        Are you a member of any sports clubs?

20    A        Oh, no. No.

21    Q        Neighborhood associations?

22    A        No, ma'am.

23    Q        Nothing like that you can think of?

24    A        No.

25    Q        What's the significance of your bulldog

1 tattoo?

2 A It represents my father. He was a Marine.

3 Q Why does that represent your father?

4 A Because their mascot is a bulldog.

5 Q And what about the shark tattoo? Any

6 symbolism behind that?

7 A I love sharks.

8 Q What do you love about sharks?

9 A Their resilience to adapt to anything, and  
10 that they are the longest-living animal on the  
11 planet, almost --

12 Q Fair enough.

13 A -- at least according to Google.

14 Q Can you tell me about your law enforcement  
15 training, Mr. Schultz?

16 A What do you want to know about it?

17 MS. VINSON: Object to form.

18 THE WITNESS: Could you be more  
19 specific? I have a lot of law enforcement  
20 training.

21 BY MS. LaVARCO:

22 Q Do you know approximately how many hours  
23 of law enforcement training you have?

24 A Over 4,000.

25 Q Have you ever received training in the use

1 of force?

2 A I have.

3 Q While at Precinct 1?

4 A Yes.

5 Q What kind of training in the use of force  
6 did you receive at Precinct 1?

7 A I went to an update training on use of  
8 force down at our training facility downtown for  
9 Precinct 1. It was just an update on bringing  
10 stuff back into the use of force continuum stuff.

11 Q Were you ever a prison guard?

12 A No.

13 No, ma'am. Sorry. That just sounded  
14 funny when you said that.

15 No, ma'am, I've never been a prison  
16 guard.

17 Q Have you ever worked for a corrections  
18 department?

19 A I was a jailer when I was a deputy with  
20 Brazos County. So I did work inside the jail  
21 facility there for a short period of time.

22 Q When was that?

23 A '90 -- 1998. It's been a minute.

24 Q Were you also a detention officer in the  
25 Harris County Sheriff's Office jail?

45

1 A Never.

2 Q Do you have any tattoos on your chest?

3 A I do not.

4 Q Back to your use of force training at  
5 Precinct 1, other than the update you mentioned,  
6 what other use of force training did you receive  
7 there?

8 A That was the only -- the update was the  
9 only thing I had gone through use of force  
10 training as far as formal training.

11 Q How many hours is that?

12 A Oh, I want to say it was 24, but I'm not  
13 positive.

14 Q Did it take place over the course of  
15 consecutive days or...

16 A Yes, it did.

17 Q Did you receive any training at Precinct 1  
18 about report writing?

19 A No. I gave training about report writing.

20 Q What about civilian interactions? Did you  
21 receive any training on that at Precinct 1?

22 A As far as?

23 Q Civilian interactions generally.

24 A Like just talking to the public? I don't  
25 understand the question.

1 Q Okay. While employed at Precinct 1, did  
2 you receive any training on civilian interactions  
3 during patrol duties?

4 A Well, we receive training on, like,  
5 de-escalation. Is that what you're going with  
6 that? Like --

7 Q Yes. Can you tell me about your  
8 de-escalation training?

9 A Just went to training that -- on how to  
10 diffuse a situation without having to use force,  
11 without having to put your hands on people,  
12 actually talking to people and listening to what  
13 they have to say versus going hands-on.

14 Q How long was that training?

15 A Oh, I want to say it was a 40-hour course.

16 Q And what de-escalation tactics did you  
17 learn in that course?

18 A Verbal judo. That's the main thing.  
19 Talking to people.

20 Q Did you learn anything about the  
21 proportional use of force?

22 A The -- in my civilian training? No.

23 Q Did you learn anything about the  
24 proportional use of force in other training  
25 contexts?

1       A       I don't know what "proportional use of  
2       force" is. I've never heard that before. What  
3       does that mean?

4       Q       Assessing the appropriate level of force  
5       to use given the circumstance and how you're  
6       observing --

7       A       Yes. What we call that is a "use of force  
8       continuum," and yes.

9       Q       I see.

10               And how does a use of force continuum  
11       relate to your de-escalation training?

12       A       Well, just -- it's all about presence,  
13       command presence, having actual knowledge when  
14       you're talking to people, and being able to -- I  
15       mean, the first thing is verbal, verbal  
16       communication before going to anything aggressive  
17       with hands-on or with lethal force.

18       Q       What comes after verbal communication on  
19       the spectrum?

20       A       As far as the continuum?

21       Q       Yes.

22       A       After verbal?

23               Verbal would come -- would come with  
24       soft-hand techniques.

25       Q       What are "soft-hand techniques"?



1       A       Using what -- like a come-along, something  
2       to do with a wrist lock. Something that as soon  
3       as you let it go, it's not going to hurt anybody  
4       anymore.

5       Q       I see.

6               What's a "come-along"?

7       A       I don't even -- it's been so long.

8               Like using a -- it's using the wrist  
9       in a gooseneck type to where they can't get out of  
10      a lock and you can actually have them come with  
11      you to a patrol car and securely put them in there  
12      for their safety.

13      Q       I see.

14              And what's the next level of  
15      escalation on the continuum after soft-hand?

16      A       It would be hard-hands, to where you're  
17      actually using force. And less lethal, they fall  
18      under the same. Less lethal is, like, pepper  
19      spray or a Taser.

20      Q       And does your de-escalation training teach  
21      you to use hard-hand techniques before less-lethal  
22      options?

23      A       No. I never learned any -- any use of  
24      force techniques in de-escalation. I don't know  
25      if you were confused on that or if I was confused

1 in how I said that to you.

2 Q In your use of force training in general  
3 or in any other training context.

4 A Ask me the question again, please.

5 Q Sure.

6 On the use of force continuum, you  
7 have hard-hand training and then higher on the use  
8 of force continuum are less-lethal options; is  
9 that correct?

10 A No. They're the same level.

11 Hard-hands --

12 Q I see.

13 A I prefer -- any time I was using something  
14 like that, I would rather go to less lethal,  
15 because I don't want to use hard-hands because  
16 I -- you can hurt people using hard-hands. So I  
17 would prefer to use less lethal.

18 Q What are the less-lethal options?

19 A Pepper spray and Taser. I carried a  
20 Taser. I did not have pepper spray. It's been a  
21 long time since I've carried pepper spray.

22 Q Are there any less-lethal options on this  
23 continuum?

24 A Not to my knowledge.

25 Q Is a K-9 a less-lethal option?

1 A K-9 -- I don't know where a K-9 falls on  
2 it. I'm not a K-9 handler.

3 Q Okay. And in your training and  
4 experience, hard-hand techniques are more likely  
5 to cause injury to someone than the use of a Taser  
6 or pepper spray?

7 A Absolutely.

8 Q Did you receive any firearms training  
9 during your law enforcement career?

10 A A bunch.

11 Q About how many hours or how many courses?

12 A I couldn't even tell you. I'm a firearms  
13 instructor. I did a lot of firearms training. A  
14 lot.

15 Q You said so far that you've been an  
16 instructor with respect to report writing and also  
17 with respect to firearms; correct?

18 A Yes.

19 Q Any other areas in which you've been an  
20 instructor?

21 A Yes.

22 Q What are those areas?

23 A I am an alert instructor, which is active  
24 shooter. I am a video camera instructor. I am a  
25 riot control instructor.

1                   Those are the big ones that stick out.

2           Q           Anything else you can remember about

3 your --

4           A           Not at this time.

5                   MS. VINSON: Object to form.

6                   Just pause a little so that I have

7 time.

8                   THE WITNESS: Uh-huh.

9                   MS. VINSON: We can't talk over

10 each other.

11                  MS. LaVARCO: Ms. Vinson, what did

12 you just say? I didn't quite hear you.

13                  MS. VINSON: I told him to pause so

14 we don't talk over each other.

15                  MS. LaVARCO: Okay.

16                  MS. VINSON: And I objected to

17 form, I hope. I think the court reporter

18 got that.

19                  Can you-all not hear me? Katie

20 just said my -- I'm not audible. No?

21                  MS. LaVARCO: You're audible now.

22 You just weren't for a moment, I think --

23                  MS. VINSON: Okay.

24                  MS. LaVARCO: -- when you told

25 Mr. Schultz to wait until you finished

1 speaking. That's the only thing I didn't  
2 hear, I presume.

3 BY MS. LaVARCO:

4 Q Mr. Schultz, what topics do your report  
5 writing trainings cover?

6 A The basic police responses -- I'm sorry,  
7 excuse me -- responding to burglaries, responding  
8 to robberies, what information you need to get  
9 from victims, what information you need to get  
10 from suspects or defendants. That type of stuff.  
11 Property, when you have property crime.

12 Q Does it cover documentation of the use of  
13 force?

14 A Of course.

15 Q When you're instructing people about how  
16 to write reports, do you instruct them to consult  
17 with the other officers on the scene before  
18 writing their reports?

19 A No. I don't instruct them to do that.

20 Q Is that common practice --

21 A No.

22 Q -- to consult with other officers on the  
23 scene before writing reports?

24 A No.

25 Q Is it common practice when reviewing

1 drafts of reports to consult other officers' draft  
2 reports?

3 MS. VINSON: Object to speculation.

4 THE WITNESS: No.

5 BY MS. LaVARCO:

6 Q In your experience as a law enforcement  
7 trainer on report writing, is it common practice  
8 or best practice to consult with other officers?

9 MS. VINSON: Object to speculation.

10 THE WITNESS: Yeah, I said "no" the  
11 first time you asked that. No.

12 BY MS. LaVARCO:

13 Q Did you receive any training on ethics in  
14 law enforcement?

15 A Yes.

16 Q What topics did your ethics training  
17 cover?

18 A I don't recall.

19 Q Did you receive training on tactical  
20 trauma care?

21 A Yes.

22 Q What does that entail?

23 A The main thing I got on tactical trauma  
24 care was the use of tourniquets, and basically  
25 blood goes 'round and 'round, air goes in and out.

1 If anything is away from that, it's a bad day for  
2 whoever we're dealing with. And my thing is to  
3 preserve life, so I got very well versed in the  
4 utilization of tourniquets.

5 Q Any other big takeaways from your tactical  
6 trauma care training?

7 A No.

8 MS. VINSON: Object to form.

9 BY MS. LaVARCO:

10 Q Did you receive trainings on arrest,  
11 search, and seizure?

12 A Yes.

13 Q Have you given trainings on arrest,  
14 search, and seizure?

15 A No.

16 Q Have you received crisis intervention  
17 trainings?

18 A I have.

19 Q What does that entail?

20 A Learning how to deal with individuals that  
21 are suffering from mental crisis.

22 Q What tactics did you learn in that  
23 training about responding to individuals who are  
24 suffering mental health crisis?

25 A The main thing I got out of that course

1 was de-escalation, how to cope with people that --  
2 and bring them down to a level that makes it  
3 easier to deal with them so you can get them help.

4 Q What tactics do you use to bring them down  
5 to a level that makes it easier to deal with them?

6 A I talk to people. That's all I do. I  
7 talk to people.

8 Q Did your de-escalation training related to  
9 people who are experiencing mental health crisis  
10 differ from your other de-escalation training?

11 A Every situation's going to be different,  
12 so that answer is yes.

13 Let me rephrase. The question was:  
14 Did my training differ from dealing with regular  
15 citizens to dealing with someone in crisis?

16 Q Yes, that's right.

17 A Is that your question?

18 I believe that falls on the individual  
19 officer on how he actually deals with the  
20 situation based on who he's dealing with.

21 Q Were you given tips or recommended tactics  
22 specific to responding to people in mental health  
23 crisis?

24 A Tips? No. I mean, of course -- I mean,  
25 you're going to take away something from training



1 every time you're involved in training, and  
2 anything I could take away from training that  
3 would assist me in keeping someone from getting  
4 hurt, I wanted that takeaway. But to -- something  
5 that actually jumps out that I can give you right  
6 now, no.

7 Q Do any recommended tactics jump out  
8 specific to people in mental health crisis?

9 A Like what type of --

10 MS. VINSON: Object to form.

11 THE WITNESS: Like --

12 MS. VINSON: Just give me a minute.

13 THE WITNESS: I'm sorry. Yes,  
14 ma'am.

15 Like what type of tactic are you  
16 referring to?

17 BY MS. LaVARCO:

18 Q Any tactics that your instructors in your  
19 training about dealing with people in a mental  
20 health crisis.

21 A I guess not -- and I don't mean to sound  
22 weird, but when you keep referring to "tactics,"  
23 "tactics" to me sounds like hands-on, sounds like  
24 moving around a room, sounds like defensive.

25 When I think of de-escalation

1 training, I think of what takeaways I took away as  
2 far as mentally, what I can use with my brain, not  
3 what I can use with my hands.

4 Q I don't mean to refer exclusively to  
5 hand -- hands-on tactics.

6 A Yeah.

7 Q So I can ask the question again.

8 A Yes, ma'am.

9 Q What approaches or methods did you --

10 A Okay.

11 Q -- learn in your de-escalation training  
12 about dealing with people with mental health  
13 crises?

14 A Yeah. The main thing I took away, again,  
15 was basically -- I don't want to say putting  
16 yourself in their -- in their shoes, but you've  
17 got to -- you've got to understand that they're  
18 not dealing with the mental capacity that they  
19 need to be dealing with. So if -- you got to get  
20 on their level a little bit and just have a --  
21 have compassion for what they're dealing with.

22 Q Did your training tell you that the same  
23 tactics or that the same methods or approaches are  
24 useful for people who are under the influence of  
25 drugs or alcohol?

1 A The training did not say that.

2 Q Has that been your experience, even if the  
3 training hasn't said it?

4 A I've been a police officer 32 years and  
5 I've seen so many different scenarios, I can't  
6 answer that question fairly.

7 Q Would you say that you have an area of  
8 specialization as a law enforcement officer?

9 A My specialization is I feel that I am a  
10 very well-rounded police officer. The old saying  
11 "jack-of-all-trades, master of none," you ever  
12 heard that before?

13 Q Yes.

14 A Okay. That's kind of me. I think I'm a  
15 little good at everything, but not the best at  
16 anything.

17 Does that make sense?

18 Q That makes sense.

19 Does Precinct 1 have policies specific  
20 to working with people who were in mental health  
21 crisis?

22 A I would assume they do.

23 Q But you don't recall policies at  
24 Precinct 1?

25 A No. I don't recall that policy.

1 Q Did Precinct 1 have policies specific to  
2 working with people with developmental or  
3 cognitive issues?

4 A I would assume they do.

5 Q Did you ever read those policies?

6 A I did not.

7 Q Did you ever read the Precinct 1 policy  
8 specific to working with people who were in mental  
9 health crisis?

10 A I -- okay. Let me rephrase back to the  
11 question you just asked.

12 Q Sure.

13 A At one time, I read every single policy  
14 there. When I first got hired there, we were  
15 required to. But do I recall what the policy  
16 said? No, I do not.

17 Q Did you read the policies again  
18 periodically or only when you just came on?

19 A I read them from time to time when I had  
20 rookies in the car with me, when I had people that  
21 I was training.

22 Q Did you read them at regular intervals,  
23 other than when you were training rookies?

24 A No, I did not.

25 Q How were you notified of updates to

1 changes in policy at Precinct 1?

2 A We got them through an email system.

3 Through Outlook.

4 I did read those when they came  
5 through.

6 Q Do you have any certifications as a law  
7 enforcement officer?

8 A Like what? What kind of certificates?

9 Q Any sort of -- any sort of certification.

10 A No. Just -- just certified police  
11 officer.

12 MS. VINSON: Shirley, can we take a  
13 break soon, please?

14 MS. LaVARCO: Sure. We can take a  
15 break. How long do you want, Celena?  
16 Five minutes, is that good?

17 MS. VINSON: That's fine.

18 MS. LaVARCO: Okay.

19 THE VIDEOGRAPHER: We are now going  
20 off the record. The time is 10:15.

21 (Recess from 10:15 a.m. to 10:22 a.m.)

22 THE VIDEOGRAPHER: Okay. And we  
23 are now back on the record. The time is  
24 10:22.

25

1 BY MS. LaVARCO:

2 Q Mr. Schultz, how do you keep up with the  
3 latest developments in law enforcement?

4 A Through the Texas Commission on Law  
5 Enforcement training. Just the standard training  
6 that we're required to take every couple of years.

7 Q How do you keep up with the applicable law  
8 in the law enforcement context?

9 A There is a legislative update we have to  
10 take every session, and that's how I keep up with  
11 it.

12 Q Legislative update every two years through  
13 TCOLE?

14 A Yes, ma'am.

15 Q What does the TCOLE training cover, apart  
16 from the legislative update?

17 A As far as -- that's the only thing I'm  
18 required -- that and I think cultural diversity is  
19 the other one that I'm required to take now.  
20 Because I'm a master peace officer, I've got all  
21 the training that I need, so I don't have to take  
22 a lot of the other stuff that younger officers  
23 have to take. I just have to meet my 40 hours  
24 every four years.

25 Q And what topics do those trainings cover?

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1 A Which -- which trainings?

2 Q Which topics do the TCOLE trainings cover?

3 A I guess I'm not understanding. The  
4 TCOLE -- are you saying which -- I don't  
5 understand the question.

6 Because we talked about legislative  
7 update I have to take and cultural diversity that  
8 I have to take.

9 Q Right.

10 A What else are you talking about?

11 Q What topics does the legislative update  
12 cover?

13 A Oh, it can be a gamut of anything to do  
14 with Texas law: Education Code, all the way to  
15 Transportation Code to Penal Code, Code of  
16 Criminal Procedures. It just depends on what the  
17 updates in that law are for that legislative year.

18 Q You said that you take TCOLE training  
19 every couple of years; is that right? Or you did  
20 take TCOLE training while you worked --

21 A When I was full-time, I took a lot of  
22 training, yes, I did.

23 Q Is that only legislative updates and  
24 cultural diversity training?

25 A No, ma'am.

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1 Q What other trainings did that entail?

2 A A gamut of training. I've taken -- I  
3 think the last thing I took was -- there was  
4 training in less lethal to deploy for riot  
5 control. I actually was trained on what's called  
6 a 40-millimeter, and it's a munition that deploys  
7 [audio interference].

8 (Reporter clarification.)

9 THE WITNESS: It's a munition that  
10 deploys gas, like to disperse riots.

11 BY MS. LaVARCO:

12 Q Any other topics covered?

13 A Not in that particular training.

14 Like I've taken so much training.  
15 My -- I've got training records that has all that  
16 stuff on it.

17 Q Would your TCOLE training records cover  
18 any trainings that you took by third-party  
19 entities outside of Texas?

20 A I don't take training by third-party  
21 entities. If it doesn't count towards TCOLE, I  
22 don't take it.

23 Q You subscribed -- do you subscribe to any  
24 law enforcement publications?

25 A No, ma'am, I haven't.



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1 Q Have you ever subscribed to any?

2 A I have -- no, I haven't.

3 Q Did you subscribe to any law enforcement  
4 newsletters?

5 A No.

6 Q Are you a member of any Facebook groups  
7 for law enforcement officers?

8 A No.

9 Q Have you ever been?

10 A No.

11 Q Are you a member of any LinkedIn groups  
12 for law enforcement officers?

13 A No.

14 Q Have you ever been?

15 A No.

16 Q Do you follow any Instagram accounts  
17 related to law enforcement?

18 A No. No.

19 Q Do you watch any YouTube channels related  
20 to law enforcement?

21 A No.

22 Q Do you engage with any other social media  
23 related to law enforcement?

24 A No.

25 MS. VINSON: Object to form.

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1 BY MS. LaVARCO:

2 Q Do you use any other social media  
3 platforms to keep up with updates on law  
4 enforcement?

5 A No.

6 Q Do you use any other social media  
7 platforms to communicate with other law  
8 enforcement officers?

9 A No.

10 What is --

11 Q Apart from -- I'm sorry. Did you need a  
12 moment?

13 A I'm sorry. Something came up on the  
14 computer. One second.

15 MS. VINSON: It's just a pop-up  
16 from my browser.

17 THE WITNESS: I just wanted to make  
18 sure it wasn't going to shut down on me.

19 MS. VINSON: Okay.

20 THE WITNESS: Okay.

21 BY MS. LaVARCO:

22 Q Okay. Was the pop-up a communication from  
23 counsel or any other person about the deposition?

24 A No, ma'am. Not at all.

25 Q Will you let me know if that happens?

1 A Absolutely.

2 Q Thank you.

3 Apart from your experience as a  
4 trainer, have you done any other speaking  
5 engagements related to law enforcement?

6 A I have.

7 Q What sort of speaking engagements?

8 A I used to speak at rotary clubs and  
9 chamber of commerce meetings when I was a  
10 lieutenant and a captain with Harris County  
11 Precinct 4.

12 Q What would you speak to them about?

13 A Just issues with safety and stuff going on  
14 in the community.

15 Q What sort of things were going on in the  
16 community?

17 A Burglaries, uprising, cars being stolen,  
18 how to secure their items and make sure that they  
19 didn't lose their items or their lives.

20 Q Any other speaking engagements related to  
21 your career as a law enforcement officer?

22 A Not that come to mind.

23 Q Have you made any other public appearances  
24 related to your law enforcement career?

25 A No.

1 Q For example, have you spoken on a radio  
2 show or a podcast?

3 A Okay. No. No.

4 I didn't know if you think this face  
5 is one of the faces that's, like, famous, but...

6 Q Have you ever worked as a law enforcement  
7 consultant in any capacity?

8 A No.

9 Q Have you ever done any kind of consulting  
10 work?

11 A No.

12 Q Have you ever been self-employed?

13 A I mean I guess I'm self-employed when I  
14 work my side jobs. But other than that, no.

15 Q Have you ever owned a small business?

16 A No.

17 Q Have you ever been qualified as an expert  
18 in a civil case?

19 A No.

20 Q Have you ever been qualified as an expert  
21 in a criminal case?

22 A No.

23 Q Have you ever been a member of any union?

24 A Yes.

25 Q Are you currently a member of a union?

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1 A No.

2 Q What was the last union you were a member  
3 of?

4 A The Harris County Deputies' union, I  
5 believe is what it's called.

6 Q How long were you a member of that union?

7 A Oh, I don't know. Five years.

8 Q Were you a member of that union only while  
9 you were employed with Precinct 1?

10 A No. I was a member while I was with the  
11 sheriff's office also, and I think Precinct 4 as  
12 well.

13 Q Precinct 6 as well for that short time?

14 A I think I was with COPS then, Coalition of  
15 Police and Sheriffs.

16 Q Was your employment at Precinct 6 the only  
17 time you were a member of the COPS union?

18 A No. I had been a member of them for a  
19 long time. I think I held both of them at the  
20 same time, actually.

21 Q Do you remember when you first became a  
22 member of the COPS union, or approximately when?

23 A I do not.

24 Q Apart from the COPS union, the Harris  
25 County Deputies' union, have you ever been a

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1 member of any other union?

2 A No, ma'am.

3 Q Have you ever served on any union  
4 committees?

5 A No, ma'am.

6 Q Have your -- any of your unions provided  
7 legal services?

8 A To me?

9 Q Yes.

10 A No.

11 Q Did you ever receive legal representation  
12 through any of your unions?

13 A No.

14 Q Did you receive other types of advice  
15 through your union membership?

16 MS. VINSON: Object to form.

17 THE WITNESS: No.

18 BY MS. LaVARCO:

19 Q Have you ever filed a grievance with a  
20 union?

21 A No.

22 Q Have you ever filed a grievance with any  
23 of your employers?

24 A No.

25 Q Have you ever filed any kind of internal

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1 complaint with any of your employers?

2 A No.

3 Q What kind of support did the Harris County  
4 Deputies' union provide you?

5 A As far as? Support for what?

6 Q What are the benefits of joining the  
7 Harris County Deputies' union?

8 A You get a --

9 MS. VINSON: Object to form.

10 THE WITNESS: I got a calendar from  
11 them. That was really all I ever got from  
12 them.

13 BY MS. LaVARCO:

14 Q You never received anything else of value,  
15 monetary or otherwise?

16 A No.

17 Q Why did you join the Harris County  
18 Deputies' union?

19 A It's what the old-timers told us to do  
20 when we were young.

21 Q Did you receive any kind of support from  
22 the COPS union?

23 A No.

24 Q Why did you join the COPS union?

25 A It was what everybody did.

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1 Q Why did everybody do it?

2 A Don't know.

3 MS. VINSON: Object to form.

4 THE WITNESS: I didn't ask.

5 BY MS. LaVARCO:

6 Q Have you ever sought guidance or support  
7 from union personnel related to your duties as a  
8 law enforcement officer?

9 A No, ma'am. Didn't need it.

10 Q Have you ever sought guidance/support from  
11 any union personnel related to misconduct  
12 allegations?

13 A No.

14 Q Did the Harris County Deputies' union ever  
15 get involved in misconduct allegations against its  
16 members?

17 MS. VINSON: Object to form.

18 THE WITNESS: I don't know.

19 BY MS. LaVARCO:

20 Q Did the Harris County Constables  
21 Association ever get involved in misconduct  
22 allegations against you?

23 A I don't know what that organization is you  
24 just said.

25 Q Did the Harris County Deputies' union ever



1 get --

2 A Oh.

3 Q -- involved in misconduct allegations  
4 against you?

5 A No. Other than this case, I've never  
6 been in anything like this, so...

7 Q Have any of the unions you've been a  
8 member of been involved in this case?

9 A No.

10 Q How did you first become aware of this  
11 lawsuit?

12 A I believe I received a call from our  
13 chief.

14 Q Who was that?

15 A Lofton Harrison.

16 Q What did Lofton Harrison say on that call?

17 A He said that I was going to be receiving  
18 an email in reference to the incident that we're  
19 talking about right now.

20 Q Did he say anything else?

21 A I don't recall. It was a long time ago.

22 Q Did you say anything to him?

23 A About what?

24 Q Did you say anything to him when he  
25 notified you that you were being sued?

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1 A No. I mean, I don't recall the  
2 conversation. I'm sure we had a casual  
3 conversation, but I have no idea what we said back  
4 then.

5 Q Did this lawsuit come as a surprise to  
6 you?

7 A Absolutely.

8 Q Why did it come as a surprise to you?

9 A Based on the allegations, I just didn't  
10 feel like it met what they were saying I did.

11 Q So you didn't anticipate that you would be  
12 sued?

13 A No, ma'am.

14 Q Is the COPS union aware of this lawsuit,  
15 to your knowledge?

16 A I have no idea.

17 Q Is the Harris County Deputies' union aware  
18 of this lawsuit, to your knowledge?

19 A I have no idea.

20 Q Have you ever been involved in a civil  
21 lawsuit before?

22 A I have not.

23 Q After your call with Chief Harrison  
24 alerting you to this lawsuit, did you ultimately  
25 get that email from him?

1 A I did.

2 Q Did you respond to the email?

3 A No.

4 Q What did the email say?

5 A I don't recall.

6 Q Is there anything that would help refresh  
7 your recollection of that?

8 A If someone had the email.

9 Q Do you have the email on your phone or any  
10 other device?

11 A No.

12 Q Did you receive any other emails about  
13 this lawsuit?

14 A No, not to my knowledge. Not that I  
15 recall, anyway.

16 Q Did you receive any other emails from  
17 anyone at Precinct 1 about this lawsuit?

18 A Not that I can recall.

19 Q Did you receive any text messages from  
20 anyone at Precinct 1 about this lawsuit?

21 A Myself and Eric Bruss had texted back and  
22 forth a little bit.

23 Q Did you text anyone else about this  
24 lawsuit from Precinct 1?

25 A No.

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1 Q Did you text anyone else about this  
2 lawsuit in general?

3 A No.

4 Q Were you ever a defendant in a civil  
5 lawsuit before?

6 A No.

7 Q Has anyone ever sent you a demand letter  
8 related to allegations against you but never  
9 followed up with a lawsuit?

10 A No.

11 Q To your knowledge, has anyone ever sent a  
12 demand letter to any of your employers related to  
13 allegations against you?

14 A No.

15 Q Were you ever a plaintiff in a lawsuit?

16 A No.

17 Q Have you ever been to small claims court?

18 A Yes.

19 Q What for?

20 A I rented a house -- oh, my gosh -- back in  
21 2000, and I can't remember -- it was over rent,  
22 because the homeowner had given us a faulty home.  
23 It was when I was with Nicole. And I actually  
24 think I went through the shower, ended up in  
25 another room, and I told him I wasn't going to pay

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1 the rent until he fixed the shower and he ended up  
2 taking me to small claims court.

3 Q How did that case resolve?

4 A I don't recall. I really don't. I think  
5 I had to pay the rent, which is kind of --

6 Q After falling through the shower, you  
7 still had to pay the rent?

8 A Yeah, it kind of stunk, yeah. I think I  
9 had to pay the rent. I was, like, "Dang it."

10 Q Any other instances where you've been to  
11 small claims court?

12 A Nope. That was the best one ever. Fall  
13 through the shower.

14 Q Any other instances in which you've been  
15 in any other type of court --

16 A No.

17 Q -- apart from your duties as a law  
18 enforcement officer?

19 A Oh, yeah. I've been to court several  
20 times as a police officer.

21 Q Was that to appear as a witness as a  
22 police officer?

23 A Yes, ma'am.

24 Q Did you appear as a witness in other  
25 people's criminal prosecutions?

1 A As a police officer that was on scene?

2 Yes.

3 Q Have you ever appeared as a witness in a  
4 lawsuit unrelated to your career as a law  
5 enforcement officer?

6 A No.

7 Q Have you ever reported a fellow officer  
8 for misconduct?

9 A No.

10 Q Have you ever informally reported another  
11 officer for misconduct?

12 MS. VINSON: Object to form.

13 THE WITNESS: No.

14 BY MS. LaVARCO:

15 Q Have you ever complained to personnel at a  
16 law enforcement agency about a fellow officer's  
17 conduct?

18 A No.

19 Q Have you ever been asked to submit an  
20 affidavit or declaration related to a lawsuit,  
21 even if you were not a party?

22 A No.

23 Q Have you ever been asked to testify at a  
24 deposition before?

25 A No.

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1 Q Have you ever been asked to testify at a  
2 civil trial before?

3 A I want to say "yes" on that one. I want  
4 to say "yes." I think there was a family violence  
5 situation I was involved in where I made an arrest  
6 on an individual, and then they -- civilly I ended  
7 up in that court testifying as a witness for the  
8 victim. I think. If I recall correctly.

9 It's been a minute. It was probably  
10 back in the early 2000s.

11 Q Where were you employed at that time?

12 A Harris County Precinct 4.

13 I think it was something to do with  
14 the children, and it ended up in civil court over  
15 a custody battle. Yes. Yes.

16 Q So it was in family court?

17 A Family court, yes.

18 Q I see.

19 Any other instances in which you've  
20 been asked to testify at a civil trial?

21 A No, ma'am. Pretty plain Jane.

22 Q About how many times would you say you've  
23 testified at criminal trials?

24 A Gosh, you would think a lot with the  
25 amount of work that I've done, but 20 maybe.

1 Q Do any of those instances stand out in  
2 your memory?

3 A No. It's just work.

4 Q At the time of the incident giving rise to  
5 this litigation, were you familiar with  
6 Precinct 1's use of force policy?

7 A Yes.

8 Q Are you still familiar with Precinct 1's  
9 use of force policy?

10 A I haven't looked at it in a minute. It  
11 could have changed. I have no idea.

12 Q What can you tell me about Precinct 1's  
13 use of force policy when you last looked at it?

14 MS. VINSON: Object to form.

15 THE WITNESS: I really don't have  
16 an answer to that. I -- it's -- the use  
17 of force policy was put in place to  
18 actually mitigate the use of force.

19 BY MS. LaVARCO:

20 Q How did it mitigate the use of force,  
21 Precinct 1's use of force policy?

22 A Well, by actually putting in a -- that --  
23 the force continuum, by actually putting that in  
24 place and putting it into policy, making sure the  
25 deputies were aware of other tactics than going to



1 certain things that could hurt people.

2           However, on the flip side of that, we  
3 didn't want deputies not to use force that was  
4 necessary to where if they didn't employ force,  
5 they would end up being injured as well.

6       Q       In suspect apprehension context, can you  
7 define what "resistance" means?

8       A       As far as someone not complying -- I mean,  
9 the main source of resistance is if I put my hands  
10 on you to put handcuffs on you and you pull away  
11 or you start to try and strike me, that sort of  
12 thing, that would be the most common type of  
13 resistance.

14           But other types of resistance are  
15 people that won't comply with directives, people  
16 that are failing to respond. But they're  
17 communicating with you, they're just not doing  
18 what you're asking them to do. That is resistance  
19 as well.

20       Q       Is noncompliance the same as resistance?

21       A       To a degree, absolutely.

22       Q       To what degree?

23       A       To the degree of they're not doing what  
24 you asked them to do, so they're interfering with  
25 your duties of actually completing the task to

1 diffuse the situation and get the situation under  
2 control.

3 Q Are there specific categories of  
4 resistance in Precinct 1's use of force policy?

5 A Not to my knowledge.

6 Q Are there specific categories of  
7 resistance in your training and experience as a  
8 law enforcement otherwise?

9 A No.

10 Q Is there a difference between passive  
11 resistance and active resistance?

12 A I believe so.

13 Q What's the difference between passive  
14 resistance and active resistance?

15 A I believe passive resistance, there's no  
16 force being employed; and active resistance,  
17 someone is actively trying to get away, actively  
18 putting hands on you, pushing your hands off of  
19 them. That type of stuff.

20 Q So would you say that evading is active  
21 resistance?

22 A I would say evading is evading.

23 Q Evading is not a type of resistance?

24 A No. Evading is evading. It's a whole  
25 different category.

1 Q Are you familiar with something called  
2 "assaultive resistance"?

3 A I am not. Educate me.

4 Q You're here to educate me, Mr. Schultz.

5 A Oh, yeah. That's right. Sorry.

6 Q That's quite all right.

7 Can verbal noncompliance ever be  
8 considered active resistance?

9 A I don't think -- I don't think -- ask me  
10 that again. Verbal noncompliance could be active  
11 resistance? I think you're actively resisting,  
12 but I don't think you're resisting in a forceful  
13 nature. So I guess -- I mean, by definition,  
14 yeah, maybe.

15 Is that even an answer? Am I even  
16 answering you?

17 Q Are you answering my question to the best  
18 of your ability?

19 A Yes, ma'am, I am.

20 Q Okay. Can you define "active resistance"  
21 for me again?

22 A I -- and I know where you're going with  
23 this, because of what I just said. But "active  
24 resistance," to me, is you're actively resisting.

25 Now, back to what I said earlier, I

1 said that active resistance would be putting your  
2 hands on somebody, placing -- getting your hands  
3 off. But are you actively resisting if you're not  
4 complying? By definition, I think so.

5 So does -- did I just give you two  
6 different answers to the same question? I don't  
7 mean to, but I guess the scenario flipped when you  
8 asked me the different question. My apologies.

9 Q That's all right.

10 A I do believe there's a big difference.  
11 Yes, absolutely.

12 Q Does active resistance require physical  
13 acts by the person who's resisting?

14 A Based on what I just told you, I don't  
15 believe so.

16 Q What kinds of force are available to law  
17 enforcement officers at Precinct 1?

18 MS. VINSON: Object to form.

19 THE WITNESS: I mean, your force is  
20 having a uniform that's clean and pressed  
21 and looks good. That's command presence.  
22 That force is available to you.

23 BY MS. LaVARCO:

24 Q In your experience as a law enforcement  
25 officer at Precinct 1, what kinds of force were

1 available to you?

2 A I thought I was answering that.

3 So are you asking what implements were  
4 available to me, like my Taser? Like an ASP  
5 baton?

6 Q A Taser is an example.

7 A Okay. Yeah, I mean, I carried an  
8 ASP baton as well, which is a collapsible baton.  
9 I carried that on myself as well, which is  
10 considered less lethal. But that wasn't issued by  
11 Precinct 1. That was something that I purchased  
12 on my own.

13 And the Taser was provided to me by  
14 Precinct 1, and -- yeah.

15 Q What is an "ASP baton"?

16 A It is a collapsible baton that you can  
17 carry on your belt and have at your -- I never  
18 used it to hit anybody. I used it to break  
19 windows out of cars if I needed to get someone out  
20 of a car.

21 Q Are officers permitted to purchase their  
22 own weapons or equipment for being on duty?

23 A Absolutely. The gun I carried every day  
24 was purchased by me.

25 Q Are there any restrictions on the type of

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1 weapons that you were allowed to purchase and use  
2 while on duty at Precinct 1?

3 A Yes, there are.

4 Q What were those restrictions?

5 A On what type of weapons?

6 Q On any type of weapon that you might have  
7 purchased.

8 A So you want restrictions on my firearm, on  
9 my baton, on handcuffs? Or are you just asking on  
10 the firearm?

11 Q Firearm, baton, and handcuffs. Let's take  
12 them in turn.

13 A Okay. So as far as your firearm, it had  
14 to be at least a 380-caliber. It could not have a  
15 barrel that exceeded six inches, and it could not  
16 be larger than a 44-caliber, and the barrel could  
17 not be smaller than 2 inches.

18 Q And the --

19 A Baton -- I'm sorry.

20 Q Yes.

21 A As far as --

22 Q I was going to ask you to proceed to  
23 baton.

24 A Yes, ma'am.

25 The collapsible baton had to be of a

1 brand that was -- it had to be ASP, which is the  
2 only -- to my knowledge, they're the only one who  
3 make the collapsible baton. It could not be over  
4 26 inches or under -- don't quote me. I think  
5 it's 16 inches is the smallest one. And the  
6 largest is 26. And it had to be of -- it had to  
7 have a clip that actually functioned inside the  
8 housing that screwed on the top of the baton.

9 Handcuffs had to be well maintained,  
10 and they really weren't concerned about brand as  
11 far as -- unless they were -- I mean, as far as --  
12 as long as -- not as far as -- as long as they  
13 were functioning properly, the teeth were all in  
14 order, and they were in compliance with standard  
15 handcuffing.

16 Q Were any weapons off-limits to you to  
17 purchase as a law enforcement officer --

18 A Yes.

19 Q -- in Precinct 1?

20 A Yes.

21 Q Which weapons were off-limits?

22 A Fully automatic weapons, shotguns with  
23 barrels that exceeded 20 inches, silencers. They  
24 frown upon us carrying silencers on your weapons.  
25 Suppressors.

1 Q Were any type of equipment off-limits to  
2 you to purchase for your use on duty as a law  
3 enforcement officer at Precinct 1?

4 MS. VINSON: Object to form.

5 THE WITNESS: Okay. I was waiting  
6 for that.

7 I really don't -- I wouldn't know  
8 how to answer that, because I don't know  
9 what I would want that I didn't have. I  
10 mean, bazookas -- I guess we couldn't  
11 carry bazookas. I couldn't buy a bazooka  
12 or a rocket launcher.

13 BY MS. LaVARCO:

14 Q What equipment were you required to  
15 purchase?

16 A My handgun, my handcuffs, boots,  
17 underwear, undershirt, magazines.

18 Q Is there a written policy with respect to  
19 the purchase of weapons and equipment --

20 A Yes.

21 Q -- at Precinct 1?

22 A Yes.

23 Q Did Precinct 1 provide any of these  
24 weapons and equipment?

25 A Only thing I was provided to by Precinct 1



1 was a Taser and a body camera.

2 Q And before I think you referred to an ASP  
3 baton?

4 A I did.

5 Q Is that the collapsible baton?

6 A Yes, ma'am.

7 Q Okay. Were any of the weapons that you  
8 were equipped with at Precinct 1 equipped with  
9 lasers?

10 A Lasers, yes. The Taser that I carried --  
11 the original Taser I carried had one laser. The  
12 one I ended up with before I left had two lasers.

13 Q The Taser that you were using on the date  
14 of the incident giving rise to this litigation --  
15 so on February 22nd, 2021, -- did that have one or  
16 two lasers?

17 A It had two.

18 Q What colors were those lasers?

19 A Red and green, just like Christmas. My  
20 favorite holiday.

21 Q Did the different lasers have different  
22 uses?

23 A No? Yes?

24 So what the two lasers did is they  
25 separate the belt line so it doesn't hurt the

1 victim -- or the victim -- the suspect if they're  
2 fleeing or something like that. It allows a good  
3 separation to where you actually get a good charge  
4 and not hurt the individual as much as it could if  
5 it was the other way.

6           So the red and green -- I don't know  
7 if -- and I'm sure we're going to talk about my  
8 video here shortly, but you'll see in my video I  
9 actually flick my wrist, and it changes the  
10 separation of the red and green laser. And what  
11 that does is determines whether I'm far away or  
12 close to who might be being tased.

13           And I can see by your look that you  
14 are confused. I will -- I will attempt to clarify  
15 as much as possible.

16       Q       I appreciate that. I am not very familiar  
17 with Tasers.

18       A       Yes, ma'am.

19       Q       Could you educate me a little bit more on  
20 that?

21       A       Sure.

22           So the red laser, I believe, is --  
23 and, again, this is me refreshing back. I believe  
24 the red laser is the primary one, and the green is  
25 the one that separates the belt line.

1                   So what we try to do is put one of the  
2 probes above the belt, and one probe below the  
3 belt, and that gives the best chance of getting a  
4 full charge on the deployment of the Taser.

5       Q       And by "below the belt" and "above the  
6 belt," do you mean the waistline of the person who  
7 you're --

8       A       The waistline, yes.

9       Q       The waistline of the person who is to be  
10 tased?

11      A       Is to be tased, yes. Hopefully not, but  
12 yeah.

13      Q       Okay. Is it ever appropriate to direct  
14 the laser at a suspect's head?

15      A       No. No. Never.

16      Q       Is it ever appropriate to direct it in the  
17 eyes or the face of the suspect?

18      A       No. In fact, we're taught not to do that.

19      Q       Is there a policy that covers that, to  
20 your knowledge?

21      A       In the training. I don't believe -- I  
22 don't know if it will be in policy. But in  
23 training, they do cover that.

24      Q       Why are you taught not to direct the laser  
25 at a suspect's head, eyes, or face?

1 A Well, I mean, they actually made pointing  
2 lasers against the law in Texas because it can  
3 hurt the retinas. It can actually cause damage to  
4 the eye. And you don't want to tase someone in  
5 the face. That would be absolutely horrible.

6 That makes me cringe just thinking of  
7 being tased in the face. I've been tased many  
8 times.

9 Q Were you tased exclusively in a training  
10 context?

11 A Only in a training context, yes.

12 Q I assume you weren't tased in the eyes or  
13 the face?

14 A Oh, my gosh, no. That makes me want to  
15 throw up just thinking about it.

16 Q Does pointing a laser at someone's head,  
17 eyes, or face also risk causing disorientation?

18 A I don't know that answer.

19 Q In your experience, is it likely to make a  
20 suspect more fearful if you point the laser on  
21 their head, eyes, or face?

22 A I would say no. Because if it's on their  
23 head, chances of them seeing it are real slim.  
24 When it's on the chest, they see it. They look  
25 down, they're, like, "Oh, okay."

1 Q Is it ever appropriate to direct the Taser  
2 at a suspect's chest?

3 A Absolutely.

4 Q In your training and experience, where is  
5 the optimal place?

6 A The back.

7 Q The optimal place to direct the Taser  
8 prongs is at a suspect's back?

9 A Yup. Butt cheek and upper back. That's  
10 the best.

11 Q And what if you don't have access to their  
12 back or butt cheek?

13 A You deploy it towards the front. You  
14 always want to --

15 Q On the front -- sorry. Go ahead.

16 A Yeah. You always want to have it to where  
17 it's optimal. I don't want to hurt anybody, but I  
18 don't want them to continue doing what they're  
19 doing that's causing me to deploy my Taser either.

20 So on the front, you're going to  
21 separate the belt line, like I said before. The  
22 best place is in the stomach and in the upper  
23 thigh. I'd rather have it away from the heart.

24 Q I appreciate this education. Thank you,  
25 Mr. Schultz.

1 A Sure.

2 Q What factors should law enforcement  
3 officers consider, in your training and  
4 experience, before using force on a suspect?

5 A What is the force being deployed on us  
6 versus how we need to respond to the deploy -- to  
7 the force being deployed back on the person  
8 deploying the force originally.

9 Q So to restate, you're saying that one of  
10 the factors before using force on a suspect is  
11 whether the suspect is deploying any force on  
12 you --

13 A Well, no.

14 Q -- or other officers?

15 A Well, even if it's noncompliance, we're  
16 allowed to -- like I'm telling someone, "Step out  
17 of the -- step out of the room. Step out of the  
18 room. If you don't do it, I'm going to tase you.  
19 Step out of the room. If you don't comply, I'm  
20 going to tase you." I'll give them multiple  
21 attempts to not get tased, but chances of them  
22 getting hurt are way greater if I go hands-on than  
23 if I tase them.

24 Q Are there any other factors other than the  
25 suspect's resistance or noncompliance that come

1 into play when deciding whether to use force?

2 A Yes. Absolutely. What is my backdrop?

3 Who could be hurt other than the suspect if I

4 deploy that force?

5 Q Is age a factor in determining whether to

6 use force on a suspect?

7 A I'm going to say yes. But that's me

8 personally. I'm not going to tase a 75-year-old

9 lady, because I'm pretty sure I could get her to

10 comply -- and, I mean, there might be some really

11 strong 75-year-old ladies out there. But I'm a

12 pretty big old boy, and I think I can handle a

13 75-year-old lady without having to deploy a Taser

14 on her.

15 Q So would you say that physical body size

16 is also a factor in deciding whether to use force

17 against a suspect?

18 A I think so. Sure.

19 There's been many a time I could have

20 tased someone and I chose not to, and I would have

21 been justified tasing them, but I chose to just go

22 hands-on and they were easily taken into custody

23 without any incident.

24 Q To be clear, the questions that I'm asking

25 in this line are with respect to the use of any

1 kind of force, not just the use of a Taser. You  
2 understand that; right?

3 A Oh, I didn't. So --

4 Q Okay.

5 A No.

6 Q Okay. So I'll ask the question again.

7 A Are we going back to the beginning?

8 Q Not the very beginning.

9 A Okay. So this is any force?

10 Q Yes.

11 A Okay.

12 Q So what factors do law enforcement  
13 officers consider before using force on a suspect?

14 A I would say -- again, it depends on what  
15 force is being employed -- or deployed on you. If  
16 I've got someone just being verbally aggressive  
17 and not complying with me asking him to comply, I  
18 might try a hard-hand technique first before I go  
19 to a Taser.

20 Q Does your training teach you to employ a  
21 hard-hand technique?

22 A Absolutely it does.

23 Q Does -- I just want to make sure I get it  
24 right for the record.

25 So does your training for -- does your



1 training teach you to employ a hard-hand technique  
2 before, for example, a Taser or any of the other  
3 less-lethal weapons before employing force?

4 A I'm going to -- I'm going to make this  
5 super simple for you. My training says use what  
6 force is necessary to complete the task. So  
7 that -- I could go straight to lethal force as  
8 soon as I get out of a car. If someone's shooting  
9 at me, I'm not going to sit there and say, "Let me  
10 use my hands. Now let me try and tase you. Now  
11 let me try and pepper spray you. Let me try and  
12 hit with you my baton" while you're throwing, you  
13 know, rounds of ammunition at me.

14 So it just -- it just depends on the  
15 situation. So I can use what force is necessary  
16 to effect the arrest and diffuse the situation.

17 Q Are there -- go ahead.

18 A Yeah, I'm sorry. There --

19 MS. VINSON: You've got to let --  
20 you cannot talk over one another.

21 THE WITNESS: Sorry. I'm sorry.

22 MS. VINSON: So let her finish the  
23 question and then answer.

24 THE WITNESS: Yes, ma'am.

25 You're getting me in trouble,

1 Shirley.

2 BY MS. LaVARCO:

3 Q Why don't you go ahead and finish what you  
4 were about to say.

5 A Well, now I don't remember what I was  
6 going to say. No, I'm just kidding.

7 So ultimately it depends on the  
8 actions of the individual on what force I -- what  
9 force I'm going to deploy. I have learned over my  
10 32 years of doing the career that I was able to  
11 de-escalate with just talking to people way more  
12 than I was ever needing to put hands on people.  
13 Ever.

14 Q Understood.

15 So does the continuum use of force  
16 that we were talking about earlier today, does  
17 that tell you to use the least amount of force  
18 required to effect the arrest or to control the  
19 situation?

20 A They actually teach you in training that  
21 you may use one force above whatever they are  
22 using against you. That's what I was always  
23 taught. So --

24 Q So --

25 A -- if you're punching me in the face, I'm

1 going to use less lethal. If they take my Taser,  
2 I might use lethal against them if they try to  
3 deploy my Taser against me.

4 Q Okay. So with that understanding, if  
5 somebody's verbally noncomplying or verbally  
6 resisting, what would be the next step for you in  
7 terms of what force you would use?

8 A I would attempt to talk first, and then I  
9 would probably grab my Taser and say, "If you  
10 don't comply, I'm going to tase you."

11 Depending on -- I mean, am I at a  
12 shoplifter, or am I at a burglary where I just  
13 caught the guy in the back room of a house and  
14 he's failing to comply? Am I on a traffic stop  
15 and I want the person out because I smell  
16 marijuana and I -- and he's failing to get out of  
17 the car and now I got a risk of him driving away?

18 There's 97 million scenarios that we  
19 can go over, and I won't know unless I'm in that  
20 situation how I'm going to employ force.

21 Q Understood.

22 So going back to the factors that law  
23 enforcement should consider before using force on  
24 a suspect, you named the level of resistance or  
25 force that the suspect is exhibiting towards law

1 enforcement officers. You also named potentially  
2 gender, age, and body size; is that right?

3 A Yes.

4 I never -- I don't think we talked  
5 about gender -- oh, maybe I did when I made the  
6 75-year-old a female. Okay. I'm with you. I'll  
7 give you that. Yes.

8 Q Only if you want to.

9 A Yes. Yes. Yes.

10 Q Okay. And you referred specifically in  
11 your example to a 75-year-old woman. What about  
12 young age? Is that a factor in deciding whether  
13 to use forces against a suspect?

14 A Again, it depends. I can't answer that  
15 fairly until -- I mean, am I seeing the person? I  
16 can have a 16-year-old that's six-foot-two,  
17 350 pounds, and if he's throwing me around the  
18 front yard, I'm going to tase him.

19 Q So body size is more of a factor than age?

20 A Sure.

21 MS. VINSON: Object to form.

22 THE WITNESS: Sorry.

23 BY MS. LaVARCO:

24 Q Is disability a factor in deciding whether  
25 to use force on a suspect?

1 A I would say yes.

2 Q Is perceived or suspected disability a  
3 factor in deciding whether to use force on a  
4 suspect?

5 A Like if I perceive that someone is  
6 handicapped or if I perceive that someone is  
7 disabled? How would I perceive that without  
8 actually seeing that they're disabled? I'm  
9 confused.

10 Q Sure.

11 So sometimes people have disabilities  
12 that are very clear because they're using a  
13 wheelchair or perhaps on crutches.

14 A Okay.

15 Q There are other instances where you might  
16 guess that a person has a disability, but you're  
17 not sure.

18 A Help me --

19 Q In both instances -- I'm sorry?

20 A Help me guess what disability I can guess.

21 Q If you expect -- if you perceive, for  
22 example, that somebody has cognitive processing  
23 issues, is that a factor in determining whether to  
24 use force against them?

25 A So if I'm understanding your question

1 correctly, you're saying that let's say I arrive  
2 on scene, I see a male who has been called in as  
3 being destructive, breaking windows out of a  
4 house, and now I meet him in the front yard. Am I  
5 to suspect that he might have a mental illness  
6 or -- is that what you're saying?

7 Q I -- what would you do in that situation  
8 that you just described?

9 A If he comes at me, it's -- I'm not going  
10 to have time to say, "Hey, are you mentally  
11 challenged and are you in crisis?" I'm going to  
12 have to act with whatever force is necessary to  
13 take that individual into custody at that time.

14 Q And what if you perceive that he has  
15 either a mental illness or cognitive processing  
16 delays, but he's meeting you only with verbal  
17 noncompliance or he's just failing to comply with  
18 orders?

19 MS. VINSON: Object to form.  
20 You may answer.

21 THE WITNESS: I would say -- and  
22 I've actually been in a situation like  
23 this, but I did have knowledge -- I had  
24 dealt with the individual before. And I  
25 had -- had it been someone that did not

1 have the issues that this young man had, I  
2 know I would have went either hands-on or  
3 Taser way faster.

4 But this individual, I knew was not  
5 processing the information that was coming  
6 out of my mouth. I knew it because I had  
7 dealt with him before, and I was able to  
8 talk to him and I talked him down off the  
9 ledge that he was imagining in his head,  
10 and I was able to talk him into the back  
11 of my car without putting any handcuffs on  
12 him.

13 So the situation just -- it changes  
14 every single time. This is the one job  
15 that I don't think you can ever say is  
16 exactly the same every time you deal with  
17 it.

18 BY MS. LaVARCO:

19 Q Understood. That's helpful.

20 So if you received training on -- have  
21 you received training on recognizing signs of  
22 possible mental illness?

23 A Yes.

24 Q What sort of training did you receive on  
25 that?

1 A It's covered in the crisis intervention.

2 Q And what signs were you taught could be --

3 I'll rephrase.

4 What signs, according to that training  
5 on crisis intervention, put you on notice that  
6 somebody might have a mental illness?

7 A So the specific -- were you saying  
8 something else?

9 Q No.

10 A Because I keep getting in trouble for  
11 talking over you.

12 So the specific thing -- the specific  
13 things you would look for are are they talking to  
14 themselves, are they not making eye contact with  
15 you. There's ways to tell -- and that was one of  
16 the things that I dealt with in training.

17 But I've also been around a lot of the  
18 mental -- people that we deal with down in our  
19 downtown complex with Precinct 1, and I had to  
20 deal with a lot of -- I believe they called them  
21 "consumers" now, is the political correct  
22 terminology for someone that's in crisis, but  
23 people that are talking to themselves. And -- I  
24 had a guy throw feces at me one time. That was  
25 pretty easy to determine that he was in crisis,



1 because I don't think that's something normally  
2 someone normal would do.

3 But, yeah, just the way they act,  
4 their mannerisms. Because someone could be in  
5 crisis, but someone could also be having a  
6 diabetic episode. So, I mean, there's -- and  
7 epilepsy. There's so many different variables to  
8 put into place, I can't pinpoint one thing. But  
9 they did tell us to look for certain signs of --  
10 especially people talking to themselves, talking  
11 back to the person that's talking to them, when  
12 they're not making any contact with you.

13 Q What do you mean by "when they're not  
14 making any contact with you"?

15 A Making eye contact with you.

16 Q Oh, "making eye contact with you." Okay.

17 A Right.

18 Q Were you taught to look out for signs that  
19 somebody was in medical crisis before using force  
20 on a suspect?

21 A Are you referring to, like, epilepsy?  
22 Diabetes? Sure.

23 Q Those are examples; yes.

24 A Sure.

25 Q And what signs were you taught to -- that

1 could put you on notice that somebody's in medical  
2 crisis?

3 A The -- someone being lethargic, not being  
4 real aware of their surroundings. Stuff like  
5 that.

6 Q Is being slow to respond to orders a  
7 potential sign that somebody's in medical crisis?

8 MS. VINSON: Object to speculation.

9 BY MS. LaVARCO:

10 Q In your training and experience, is being  
11 slow to respond to orders a sign that somebody is  
12 in medical crisis?

13 MS. VINSON: Object to speculation.

14 THE WITNESS: In my experience, the  
15 majority of the time that I dealt with  
16 someone like that was due to intoxication  
17 of some sort, not due to medical crisis.  
18 Whether they were on drugs, whether they  
19 were on alcohol, whether they were on  
20 marijuana was almost exclusively what I  
21 was dealing with when someone was failing  
22 to respond to me in an appropriate manner.

23 BY MS. LaVARCO:

24 Q When you suspect that somebody's  
25 intoxicated, whether through alcohol or other

1 substances, how do you de-escalate the situation  
2 so that you don't have to use force or you need to  
3 use only the least amount of force necessary?

4 A That is a great question, and I don't even  
5 know how to answer it. I've taken so many drunk  
6 drivers into custody that I can't tell you one  
7 that was exactly the same, but, you know, a lot of  
8 times --

9 THE WITNESS: Is it good? It's  
10 beeping at me. Is it good?

11 MS. VINSON: Yes.

12 THE WITNESS: Oh.

13 A lot of times -- you have  
14 different levels of people that are  
15 intoxicated, whether it's on marijuana,  
16 whether it's on drugs, or whether it's on  
17 alcohol, and you have your friendly people  
18 that are real easy to deal with, and you  
19 got people that want to bust out the  
20 window of your patrol car, kick your cage  
21 out, fight with you.

22 So, yeah, I mean, you're trained to  
23 deal with the situation based on the  
24 circumstances that are afforded to you at  
25 that time.

1 BY MS. LaVARCO:

2 Q And you described, sort of, two extreme  
3 scenarios: People who are friendly drunks, for  
4 example, on the one end of the spectrum, and  
5 people who are breaking out your windows because  
6 they're drunk, on the other end of the spectrum;  
7 right?

8 A Right.

9 Q So what about the people in the middle  
10 who, for example, are not being aggressive with  
11 you, but are perhaps slow to respond to your  
12 orders?

13 A I treat them with a --

14 MS. VINSON: Object to form.

15 THE WITNESS: I treat them with a  
16 little bit of leniency.

17 BY MS. LaVARCO:

18 Q What do you mean by "leniency"?

19 A Well, for instance, if I know how  
20 intoxicated they are -- or if I suspect I know how  
21 intoxicated they are, I might give them a little  
22 more leeway to going hands-on than I normally  
23 would. But, on the same token, those people that  
24 are being cool in the middle of the road, I've  
25 seen escalate in the blink of an eye into the guy

1 that's fighting me and I'm fighting for my life in  
2 the middle of a -- you know, a highway in Texas.

3 Q How do you respond if a suspect is  
4 insulting you?

5 A "Wow. That's just rude." But I got  
6 pretty thick skin, so I just deal with it.

7 Q How do you deal with it?

8 A Just -- just do my job. I'll do the  
9 whole, "Okay, well" -- I've done the whole "Sticks  
10 and stones may break my bones, but names will  
11 never hurt me," you know, kind of stuff.

12 Q So does a suspect insulting you impact  
13 your decision to use force?

14 A No. They're just being, you know, many  
15 heads.

16 Q So if a suspect is irritating you in some  
17 other way, does that impact your decision to use  
18 force?

19 A How am I irritated? I chose this job --  
20 or that job. I'm not doing it right now. But I  
21 chose that job. I chose it because I loved it,  
22 and I didn't care what people said. I was still  
23 going to do my job the way it needed to be done.

24 Q Why did you love the job?

25 A Because I got to help people. I helped

1 way -- so many people. So many people.

2 Q Is there a difference between an insult  
3 and a threat in a suspect apprehension context?

4 A Absolutely.

5 Q How do you tell the difference between an  
6 insult and a threat in a suspect apprehension  
7 context?

8 A Well, if someone calls me a "fat pig,  
9 oink, oink," they're just being insulting. But if  
10 they say, "You fat pig. I'm going to kill your  
11 family later," that's pretty much a threat. I've  
12 had them both.

13 Q Is there something in the middle that's a,  
14 sort of, gray line between an insult and a threat  
15 in a suspect apprehension context?

16 A You tell me.

17 Q No. You're here to tell me.

18 A I don't have an answer for that. What  
19 would be a middle of the road of that?

20 Q You never encounter suspects who are doing  
21 something, either telling you that they're going  
22 to blow your brains out or tell you that you're a  
23 "fat pig, oink, oink"?

24 MS. VINSON: Object to form.

25 THE WITNESS: My short answer is

1           yes, I've had people in between that  
2           spectrum. I've had all kinds of names  
3           called to me, and I've had all kinds of  
4           threats about being blown up and my family  
5           killed.

6 BY MS. LaVARCO:

7       Q       Has somebody -- has a suspect ever told  
8       you to watch out, for example, or, "Watch what  
9       you're doing there"?

10      A       I've had people say, "This ain't the last  
11      time you're going to see me or my family."

12      Q       Do you consider that a threat?

13      A       100 percent.

14      Q       Does that sort of threat impact your  
15      decision to use force in the moment?

16      A       No. No.

17      Q       What about if someone is -- what about if  
18      a suspect is saying that something that you  
19      politically disagree with. Does that impact your  
20      decision to use force?

21      A       Regular people in my life don't make that  
22      decision for me. So, no, a suspect is not going  
23      to influence me politically.

24      Q       Does a suspect's expressed political views  
25      impact your decision to use force?

1 A Like if they love Trump or love -- don't  
2 love Trump?

3 Q For example, yes.

4 A No, it doesn't.

5 Q Are there any kinds of force off the table  
6 when you're faced only with passive resistance?

7 A Explain.

8 Q Are there any types of force that are off  
9 the table when you're faced only with  
10 noncompliance with orders?

11 MS. VINSON: Object to form.

12 THE WITNESS: Yeah, that seemed  
13 like the exact same question.

14 What would be force that goes -- I  
15 don't think there's any force that's ever  
16 off the table until the situation's over  
17 with.

18 BY MS. LaVARCO:

19 Q Can verbal resistance ever justify the  
20 discharge of a Taser?

21 A Yes.

22 Q In what circumstances?

23 A If they're noncompliant.

24 Q Even in the absence of physical force?

25 A Yes.



1 Q Can verbal resistance ever justify the  
2 discharge of a firearm?

3 A No.

4 Q Can verbal resistance ever justify you  
5 brandishing a firearm?

6 A Yes.

7 Q In what circumstances?

8 MS. VINSON: Object to form.

9 THE WITNESS: If I'm saying, "Come  
10 over here. Get out of the closet. Get on  
11 the ground," and they fail to do it, I'll  
12 pull my weapon out, because I don't know  
13 what's in there. Me knowing -- me not  
14 knowing allows me to pull my weapon out  
15 for my safety.

16 But I'm indexed, making sure that  
17 I'm not going to shoot anyone that does  
18 not -- I don't want to say that doesn't  
19 need to be shot, because that would sound  
20 bad. No one needs to be shot. Right?

21 Anyway...

22 BY MS. LaVARCO:

23 Q Can verbal resistance ever justify  
24 unleashing a K-9 on a suspect?

25 A I wouldn't know that answer.

1 Q You didn't receive any training on what  
2 kind of resistance justifies unleashing a K-9 on a  
3 suspect while you were employed with Precinct 1?

4 A No.

5 Q Is force ever justified while a suspect is  
6 in a prone position?

7 A Sure.

8 Q In what circumstances?

9 MS. VINSON: Object to form.

10 THE WITNESS: If -- again, if the  
11 person's being noncompliant and we're  
12 giving verbal instructions for them to  
13 comply and they choose not to comply, it's  
14 going to depend a lot on what type of call  
15 we're on, what was the nature of the call,  
16 what were we responding to, and what's the  
17 threat level.

18 This day and age -- I mean, I've  
19 been doing the job a long time, and it was  
20 bad, you know, when we started in the '90s  
21 and to this day, in my opinion, everyone  
22 has a gun until I prove they don't have a  
23 gun. So I don't -- until I know me and  
24 all the people around me are safe and that  
25 person's not complying, I don't know if

1           they have a weapon. I don't know if they  
2           can hurt anybody. I will use what force  
3           is necessary to diffuse that and make sure  
4           no one gets hurt. Hopefully not the  
5           suspect either.

6 BY MS. LaVARCO:

7       Q       Does your training teach you to assume  
8       that everyone is armed until you learn otherwise?

9       A       My training doesn't, but my circumstances  
10      over the years I've done that job has made my  
11      mental acuity say, "You know what? They've got a  
12      gun until they don't have a gun."

13      Q       If a suspect is in a prone position with  
14      their hands stretched out so that you can see  
15      their hands are empty, is force justified just  
16      because they're not complying with orders?

17                   MS. VINSON: Object to form.

18                   THE WITNESS: That's going to  
19      depend on the circumstances, depend on the  
20      lighting, depend on the angle, what can I  
21      see? Can I see both hands? Do I have a  
22      good angle of approach? Do I have cover?  
23      How quick is it to go from arms spread out  
24      to reaching under you and brandishing a  
25      firearm and putting rounds downrange?

1 BY MS. LaVARCO:

2 Q So in that same scenario we're describing,  
3 if you assume that you have a good view of the  
4 suspect, who's prone on the ground and you can see  
5 their hands, the lighting conditions are good, is  
6 force justified just because they are not  
7 complying with orders?

8 A My --

9 MS. VINSON: Object to form.

10 THE WITNESS: My answer is yes,  
11 force is justified. Would I employ force?  
12 I don't know.

13 BY MS. LaVARCO:

14 Q What kind of force is justified in that  
15 circumstance?

16 MS. VINSON: Object to form.

17 THE WITNESS: One level above what  
18 they're using. If they're being  
19 noncompliant, we can use a less-lethal  
20 device or we can go to soft-hands.

21 BY MS. LaVARCO:

22 Q Is force ever justified while a suspect is  
23 already subdued?

24 A No.

25 Well, okay. I'm going to rephrase.

1 Because people still have legs. And once they're  
2 handcuffed behind their back, I don't know,  
3 there's some Bruce Lee or Chuck Norris people out  
4 there that might be able to do some crazy stuff to  
5 me.

6 So if someone's kicking me,  
7 punching -- or and spitting on me and all that  
8 kind of stuff, I might use a little bit of  
9 soft-hand techniques and put them in something  
10 like maybe a hobble that can get their feet  
11 restrained. Absolutely.

12 Q Is a "hobble" a feet restraint?

13 A Yes.

14 Q Is that shackles or is it something else?  
15 I'm not familiar?

16 A A "hobble" is a -- it's a nylon  
17 rope-looking device that secures the feet to the  
18 base of the car to where they can't kick anymore.

19 Q I see.

20 What does it mean for a suspect to be  
21 subdued?

22 A "Subdued"?

23 Q Yes.

24 A I don't know. That's a -- I say taken  
25 into custody.

1 Q What does it mean for a suspect to be  
2 taken into custody?

3 A It means they have handcuffs on them and  
4 the situation has been diffused and is no longer  
5 ongoing.

6 Q So a suspect is never in custody before  
7 they're handcuffed?

8 A No.

9 I lost a good friend to that.

10 Q My condolences for that.

11 A Thank you.

12 Q Would it be objectively reasonable to  
13 release a K-9 on a suspect while they're lying  
14 still?

15 MS. VINSON: Object to form.

16 THE WITNESS: I can't answer that  
17 question.

18 BY MS. LaVARCO:

19 Q When you're giving orders to a suspect,  
20 based on your training and experience, how do you  
21 know that they understand your orders?

22 MS. VINSON: Object to form.

23 THE WITNESS: I would know if  
24 they're speaking or if I heard them speak.  
25 Because in our day and age, we deal with a

1 lot of people that don't speak the  
2 language that I speak. So I come across a  
3 lot of people that speak Spanish and  
4 Vietnamese, and unfortunately they don't  
5 understand what I'm saying.

6 BY MS. LaVARCO:

7 Q Are there other signs other than a  
8 language barrier that someone might not understand  
9 your orders?

10 A I mean, just people that are under the  
11 influence and maybe have had a little bit too much  
12 of some kind of recreational something they  
13 shouldn't have in their body.

14 Q What are the signs that a suspect might be  
15 confused by your orders?

16 MS. VINSON: Object to form.

17 THE WITNESS: Signs that they would  
18 be confused? I really don't -- maybe  
19 they're not -- I really don't know.

20 BY MS. LaVARCO:

21 Q In your training and experience, do  
22 suspects ever move more slowly out of fear?

23 A "Slowly out of fear"?

24 MS. VINSON: I'm going to object.  
25 It calls for speculation.

1 THE WITNESS: Yeah, I really don't  
2 know how to answer that. I don't know if  
3 I've ever had anyone respond slowly out of  
4 fear. They normally respond fast out of  
5 fear, and it's normally me watching their  
6 heels kick up as they're running away from  
7 me.

8 BY MS. LaVARCO:

9 Q If someone is responding slowly to your  
10 orders, does that necessarily mean they pose a  
11 threat?

12 A No.

13 Q In your training and experience, do black  
14 suspects sometimes move more slowly out of fear?

15 MS. VINSON: Object to form.

16 THE WITNESS: What? What?

17 MS. VINSON: It's improper and it  
18 calls for speculation.

19 THE WITNESS: I don't -- I don't  
20 see color. I see good and bad.

21 BY MS. LaVARCO:

22 Q Have you ever realized during an  
23 interaction with a suspect that they've been  
24 confused by your orders?

25 A Sure.



1 Q What does that look like? How did you  
2 know that they were confused?

3 A I can give you a perfect example of that.

4 We use what's called a "funnel  
5 technique," generally, when we take people into  
6 custody, especially if we're getting them out of a  
7 car or something like that. And I'm going to use  
8 my voice, and I'll -- you know, I'll tell the  
9 suspect, "With your right hand, reach across your  
10 body. Open the door. Open the door to the car.  
11 Step out. Face away from my voice. Take two  
12 steps to the left. Keep your hands in the air.  
13 With your right hand, reach the collar of your  
14 shirt. Pull it up. Turn all the way around.  
15 Turn all the way around. Do it now. Do it now."

16 Okay? So there's a lot of times when  
17 I'm giving those type of commands that people get  
18 confused.

19 Q What do you do when you realize they're  
20 confused in response to them?

21 A I redirect them. And it's almost -- I've  
22 got a pretty stern voice, and people -- I haven't  
23 had a lot of problems with that. But once they're  
24 back on task -- and if they take a couple of  
25 incorrect steps, or if they don't go all the way

1 around and I'm saying, "Turn all the way around.

2 No, all the way around. Keep going. Do it now,"

3 stuff like that, they'll normally comply.

4 But, sure. Sure, they can -- you

5 know, in that type of situation, they might be to

6 where they're not hearing me correctly.

7 Q So is it fair to say you would take things

8 more slowly if you think that a suspect might be

9 confused?

10 A No.

11 Q And in those circumstances where you're

12 describing where you're giving orders such as

13 "turn around, move a little to your left," that

14 sort -- that sort of thing, how do you know that

15 they're confused?

16 A How do I know they're confused? If I say,

17 "Move to the left," and they move to the right.

18 If I say, "Turn around," and they hit a knee. If

19 I say, "Move back to the sound of my voice," and

20 they get back in the car.

21 Q So that tells you that they're confused --

22 how do you tell the difference between them being

23 confused and them just not wanting to comply?

24 MS. VINSON: Object to speculation.

25 THE WITNESS: I -- I don't until

1           it's over with.

2       BY MS. LaVARCO:

3           Q           In a suspect apprehension context, if a  
4       suspect is moving slowly, does that pose a threat  
5       to the public?

6           A           No.

7                       MS. VINSON: Object to speculation.

8       BY MS. LaVARCO:

9           Q           If there are multiple officers on a scene,  
10      which as I understand there often is, how do you  
11      decide who gives orders to who?

12          A           You go based off of the senior-ranking  
13      person a lot of times. Or generally whoever's on  
14      scene first is going to have complete control of  
15      the scene because they've got all the information.

16          Q           So does that person typically instruct the  
17      people who arrive after who they should give  
18      orders to or whether they should give orders?

19          A           Depends on the situation. A lot of times,  
20      it's -- it's like an amoeba. It's constantly  
21      growing once you get there, and you really don't  
22      know which way it's going to go. So we go based  
23      off of our experience on what's happening and what  
24      needs to happen next based on the resources that  
25      we get at that time.

1 Q Is there ever an issue with cross talk to  
2 suspects if there are multiple officers on a  
3 scene?

4 A Yes.

5 Q How do those issues show up?

6 MS. VINSON: Object to form.

7 THE WITNESS: With -- with me -- I  
8 mean, you'll hear me on a scene say, "Hey,  
9 stop. I got it. I got it," because I  
10 don't want that confusion for the suspect.

11 BY MS. LaVARCO:

12 Q Right.

13 A Again, I've got a real loud, commanding  
14 voice. A lot of times I take lead as being the  
15 guy who has the big, controlling voice. But if  
16 someone's got it and they've got it handled and  
17 I've got a little female there with a big, strong  
18 voice and she's all over it, I ain't got no  
19 problem with that. I'll be reserved and just be  
20 support for that officer.

21 Q And in your experience, when there are  
22 multiple officers and multiple suspects on the  
23 scene, how do you prevent against confusion about  
24 which officers are giving orders to which suspect?

25 A You ever heard of a "poop sandwich"?

1 Q I have not.

2 A Okay. Well, when you have a poop sandwich  
3 and you have a bunch of friends there, you just  
4 eat it one bite at a time. So when you got a lot  
5 of components and a lot of moving stuff on a  
6 scene, you just let it start -- it's like peeling  
7 an onion. Take it one layer at a time.

8 You got to be slow and methodical and  
9 do it the right way, but the slow and methodical  
10 could look very, very fast, if someone watches a  
11 video of it, based on what is the -- what are the  
12 actions from the people we're dealing with? What  
13 is the time frame? How long before we start  
14 losing evidence? How long before people start  
15 coming out of their houses and now I've got other  
16 people in danger?

17 So there's a multitude of factors that  
18 come into place every single time I unass a patrol  
19 car.

20 Q So in the poop sandwich analogy that you  
21 just gave --

22 A Poop sandwich. You like that? Yeah.

23 Q -- you said you take it one bite at a  
24 time --

25 A One bite at a time.

1 Q -- and that was in my response to the --  
2 in response to my question about --

3 A Well, I said invite a lot of friends. So  
4 if all my friends are there, we all get a bite of  
5 the poop sandwich.

6 Q Okay.

7 A Does that make sense?

8 Q So I'll try to make sense of it at some  
9 point.

10 A Okay. You got it.

11 Q So this analogy where you say "one bite at  
12 a time," right, for the poop sandwich or whatever  
13 it is that you like to eat --

14 A Well, I don't like to eat that, just so  
15 you know.

16 Q Okay. So "one bite at a time." Does that  
17 mean that one person gives orders to one suspect  
18 until that suspect is brought into compliance, and  
19 then another officer gives orders to the other  
20 suspect?

21 A Again, it depends on the situation. You  
22 could have -- let's say I've got three suspects in  
23 a car, and they're all getting out at the same  
24 time. They're all doing the same thing. You  
25 could have three officers -- you could have six

1 officers on scene. Two are giving orders to one,  
2 two are giving orders to another, and two are  
3 giving orders to a third. It just depends on the  
4 totality of the circumstance.

5 If I've got passive people on the  
6 scene and everybody's passive and complying, then  
7 we -- one at a time. That's that poop sandwich,  
8 one at a time. But sometimes you can't eat the  
9 sandwich.

10 Q What's an example of one bite of the  
11 sandwich that you might take to control the scene?

12 MS. VINSON: Object to form.

13 THE WITNESS: Taking a -- making  
14 sure you've got an approach -- one of the  
15 things is making sure that all your  
16 officers are in a position to where  
17 they're safe to give orders. That's one  
18 thing.

19 BY MS. LaVARCO:

20 Q Any other bites, as examples?

21 MS. VINSON: Object to form.

22 THE WITNESS: Yes. Making sure  
23 that you're to where they can actually  
24 hear you. Because I don't want to be five  
25 houses away giving instructions to someone

1           when I don't know if they can hear me or  
2           not.

3       BY MS. LaVARCO:

4       Q       Any other things that you might do to  
5       control the situation?

6       A       I would make sure that there are people  
7       not coming into the scene. I would make sure I've  
8       got officers established to where we don't have  
9       additional incidents happening at the same time  
10      and we don't have people that are putting  
11      themselves in harm's way not knowing that they are  
12      putting themselves in harm's way.

13      Q       What else?

14      A       That's all I can think of. It's a lot of  
15      sandwich.

16      Q       It is a lot of sandwich.

17      A       I'm going to need Brittany to put on some  
18      glasses. You're the only one that doesn't have  
19      glasses. If you can do that, I'd appreciate it.

20                      MS. VINSON: I'm undercover.

21                      MS. LaVARCO: Brittany does look  
22      good in glasses, in my humble opinion.

23                      THE WITNESS: I didn't know who she  
24      was because last time she had glasses on.

25



1 BY MS. LaVARCO:

2 Q What are the signs that someone might be  
3 armed with a firearm?

4 MS. VINSON: Object to form.

5 THE WITNESS: Great question. You  
6 tell me. I know that I'm supposed to be  
7 educating you, but...

8 I don't know. When you're first  
9 approaching someone, a bulge in the pants,  
10 furtive movements, trying to adjust their  
11 waistline to where -- maybe they've got a  
12 Beretta 92, like Mel Gibson carried in  
13 "Lethal Weapon" and it's slipping down  
14 their pants. A multitude of things.

15 But, again, I have found a  
16 Beretta 25 in a guy's butt crack. So did  
17 I know that gun was in his butt crack?  
18 Nope. Not until I searched him.

19 BY MS. LaVARCO:

20 Q Does some type of clothing allow you to  
21 conceal a firearm more easily, in your training  
22 and experience?

23 A Sure.

24 Q What types of clothing allow you to  
25 conceal a firearm more easily?

1 A Big, bulky clothing. I've found a lot of  
2 small-caliber firearms in sweatpants with big  
3 pockets. Coats, sweaters, fanny packs.

4 Q Is it easier to carry a firearm on your  
5 person if you're wearing sweatpants or if you're  
6 wearing jeans?

7 MS. VINSON: Object to form.

8 THE WITNESS: Easier? I've got a  
9 little gun that clips on my sweatpants  
10 just fine and it will go on my jeans just  
11 fine too. It's the exact same.

12 BY MS. LaVARCO:

13 Q What about without a clip?

14 MS. VINSON: Object to form.

15 THE WITNESS: Without a clip, that  
16 gun would fall down my pants.

17 BY MS. LaVARCO:

18 Q If you were wearing sweatpants?

19 A If I was wearing sweats, yeah, it would  
20 not be -- I mean, I still could do it, but it's  
21 way easier with a clip on it.

22 Q In most instances in which you've  
23 apprehended a suspect who had a firearm, did they  
24 have a clip?

25 A A clip? You mean a clip to carry the gun

1 on their waistband?

2 Q Yes.

3 A I would say 99 percent of the time, they  
4 did not have a clip.

5 Q So would you say in most of those  
6 instances that it would be harder for them to  
7 conceal a weapon if they were wearing sweatpants  
8 because they would fall down?

9 A I --

10 MS. VINSON: Let her finish.

11 Object to form.

12 THE WITNESS: I have found several  
13 that have holsters that are little, small  
14 holsters that are clips that clip to the  
15 band that clip to the sweatpants, and I've  
16 found a multitude of suspects with  
17 sweatpants with guns like that.

18 BY MS. LaVARCO:

19 Q So you said in about 99 percent of the  
20 time, they don't have clips?

21 A Right.

22 Q How often would you say suspects have  
23 holsters, in your training and experience?

24 MS. VINSON: Object to form.

25 THE WITNESS: 50/50.

1 BY MS. LaVARCO:

2 Q Is it a crime to carry or possess a  
3 firearm in Texas?

4 A It depends on your record. We're an open  
5 carry state.

6 Q What do you mean by that?

7 A That means you can -- you can carry a  
8 firearm like the Old West nowadays. But if you  
9 have a criminal background, you cannot.

10 Q How do you know if someone who's carrying  
11 a weapon has a criminal background?

12 A That is a great question. Don't we have  
13 good legislature here in Texas?

14 Q You tell me.

15 A I can't answer that question. I can't  
16 look at someone and say, "Oh, he's a felon because  
17 he's got tattoos on his face," because that causes  
18 for what? Me profiling somebody or something to  
19 that nature? No.

20 So, ultimately, if I see someone with  
21 a gun, unless I have reason to say, "Hey, why do  
22 you have a gun," can I really identify him? Texas  
23 doesn't give us that fortitude.

24 Q I see.

25 Do you have a duty to render medical

1 aid when a suspect's been injured during an  
2 apprehension?

3 A Sure, I do.

4 Q What does that duty entail?

5 A That's just me saying I'm going to go up  
6 there and provide whatever first aid I can. We  
7 don't have a -- there's no policy for it. That's  
8 just us having good moral turpitude.

9 Q Do you carry a first aid kit with you?

10 A Yes, I do.

11 Well, I did in my patrol car. I think  
12 I've got one in my personal vehicle. Yeah.

13 Q In a suspect apprehension context, would  
14 somebody's -- when a suspect has been injured, do  
15 you wait for emergency medical technicians to  
16 arrive, or do you start administrating aid right  
17 away?

18 A It depends on the severity of the wound.  
19 If someone's bleeding out, I'm going to go high.  
20 Because if not, they could die. So I'm going to  
21 make sure I go high up on their arm. I'll put my  
22 tourniquet that I carry.

23 And when I was on -- I carried a  
24 trauma kit -- I was the guy that had -- if there  
25 was -- because I was an active shooter instructor,

1 I had what's called a "go bag," and in that go  
2 bag, I had a lot of extra medical supplies.

3 And if I deployed my own, I would then  
4 get another one for me or if there was multiple --  
5 I normally had five tourniquets on me at all  
6 times. God forbid I ever had to be in a situation  
7 where I needed to use five tourniquets.

8 Q Uh-huh. So if a suspect in an  
9 apprehension context has a deep puncture wound, is  
10 that the kind of situation where you would start  
11 administering aid, or do you wait for an EMT?

12 A It depends on where the wound is. I mean,  
13 if it struck an artery, I'm absolutely going to  
14 employ a tourniquet or some type of life-saving  
15 measure, even if I got to stick my finger in it.  
16 I've done it.

17 Q What if the puncture wound is on the leg?

18 A Well, what part of the leg? Is it in the  
19 femoral artery? Is it in the calf? Is it in the  
20 tibia? Is it in the groin? What part?

21 Q So do you have training on the placement  
22 of arteries throughout the human being?

23 A I do. I do.

24 Q And you employ that training when deciding  
25 whether to administer aid?

1       A       No. I'm going to administer aid in any  
2       way I can. I'm going to make them feel  
3       comfortable. I'm going to make sure that if it  
4       needs to be elevated, they elevate it. If it  
5       needs to be packed, I'm going to pack it. And if  
6       it needs a tourniquet, I'm going to tourniquet it.

7               If it's someone that's just got a  
8       little flesh wound and -- you know, no, I probably  
9       won't do anything with it but wait on medical  
10      attention to get there.

11      Q       Do you ever administer aid to -- or have  
12      you ever administered aid to K-9 bite victims?

13      A       No.

14      Q       Have you ever participated in any K-9  
15      training?

16      A       Yes.

17      Q       In what context did you participate in K-9  
18      training?

19      A       I was a decoy back in the '90s -- '93,  
20      '94, '95, somewhere in that area. And I actually  
21      would go out and wear the sleeve and let the dogs  
22      bite me and stuff.

23      Q       What's a "decoy," in that context?

24      A       I was the guy that ran into the woods and  
25      hid under the tree limbs and the dog came and

1 found me. I hid in a dryer once. I couldn't do  
2 that now. I'm way too big.

3 Q Did you have any role in the K-9 training  
4 apart from being the decoy?

5 A No.

6 Q Did you participate in the lectures during  
7 those K-9 trainings?

8 A "Lectures"? What kind of lectures?

9 Q For example, during a K-9 training that  
10 you participated in, was there a trainer who was  
11 advising trainees on the use of the K-9s?

12 A No. These were -- no. These were  
13 specific -- and I'm sorry. I didn't mean to talk  
14 over you.

15 These were specifically -- I don't  
16 even know what to call them -- active trainings.  
17 Like, they were trainings to where it was all  
18 physical. There was no classroom.

19 Q Okay. So during those meetings --

20 A We would all meet in a park and go let the  
21 dog find us. We did it for -- I also helped hide,  
22 like, explosives and narcotics. That kind of  
23 stuff.

24 Q What law enforcement agency were you  
25 employed with at that time?



1 A Precinct 4.

2 Q Of the constable's office in Harris  
3 County?

4 A Yes, ma'am.

5 Q Have you worked closely with K-9 handlers  
6 throughout your law enforcement career?

7 A I've -- I mean, I've been involved with a  
8 lot of scenes where K-9s were deployed, but I  
9 was -- any time a K-9 was deployed, we had  
10 helicopters too, so...

11 Q What do you mean you "had helicopters  
12 too"?

13 A Air support. Have air support come out.  
14 So I didn't fly helicopters and I didn't handle  
15 dogs, but I wanted them on my scenes to help me  
16 catch bad guys.

17 Q Have you ever supervised any K-9 handlers?

18 A No.

19 Well -- okay. In a K-9 capacity or in  
20 a deputy capacity?

21 Q In any capacity.

22 A Yes. Because I had K-9 handlers on my  
23 shift when I was a sergeant, and I had K-9  
24 handlers when I was supervisor at Precinct 4 that  
25 just happened to fall under my chain of command,

1 but I wasn't responsible for them in a K-9  
2 capacity. Only in a deputy-to-supervisor ratio.

3 Q Were you responsible for reviewing those  
4 K-9 officers' use of force reports?

5 A Never. That was all handled by K-9. Any  
6 time anything dealt with K-9, it was specifically  
7 handled by K-9 supervisors.

8 Q Understood.

9 In your training and experience, what  
10 factors should be considered before responding  
11 with a K-9 in a patrol context?

12 MS. VINSON: Object to form.

13 THE WITNESS: Well, I don't know  
14 how to answer that. I mean, a lot of  
15 times with Precinct 1, the K-9 handlers  
16 were deputies, not just K-9 handlers. But  
17 when I worked for the sheriff's office,  
18 the K-9 handlers were only K-9 handlers.  
19 They didn't respond to calls. They only  
20 responded to K-9 deployable incidents.

21 So I really can't answer that  
22 question.

23 BY MS. LaVARCO:

24 Q What's a "K-9 deployable incident"?

25 A To where, let's say, we got a suspect on

1 the ground that's running, and air support's  
2 en route. The next thing I want -- I want K-9 and  
3 I want air support to catch bad guys.

4 Q Is air support available in every K-9  
5 deployment at Precinct 1?

6 A Unless they couldn't fly, they were  
7 available for us. But I was talking more on  
8 the -- you asked about K-9 deployable incidents,  
9 and I did this (indicating). So that was more  
10 with the -- with the sheriff's office.

11 The sheriff's office is the big -- is  
12 the big brother. So they're 3,500 police officers  
13 versus Precinct 1's like 300 police officers. So  
14 they got all the big toys, the helicopters, the  
15 SWAT teams, the dive teams, bomb squad, all the  
16 fun stuff you see on TV.

17 Q So in K-9 deployable incidents in  
18 Precinct 1, the Harris County Sheriff's Office  
19 would typically be involved to provide air  
20 support?

21 A No. Generally almost 90 percent of the  
22 time, it was DPS, our state police because they  
23 fly out of our area.

24 Q I see.

25 A And then a lot of times, HPD Fox, which is

1 the Houston Police Department, their air support,  
2 depending on what part of town we were in.

3 But, yes, the sheriff's department did  
4 deploy theirs as well. We had a lot of incidents  
5 on night shift.

6 Q I would imagine.

7 A Uh-huh.

8 Q So in K-9 deployable incidents, what other  
9 agencies, apart from the constable's office, would  
10 be involved?

11 A Just whatever air support and then us.

12 Q I see.

13 So no other types of support from the  
14 sheriff's office or from HPD Fox?

15 A Well, the only other time is if -- let's  
16 say we didn't have a K-9 available. I would  
17 utilize a K-9 from Houston Police or I would use a  
18 K-9 from the sheriff's office or Precinct 1.

19 Q How would -- how would you get in touch  
20 with the Houston Police or the sheriff's office to  
21 utilize one of their K-9s?

22 A With a mighty fine radio.

23 Q At Precinct 1, who decided when to send  
24 out a -- who decided when to send out a K-9-unit?

25 MS. VINSON: Object to form.

1 THE WITNESS: Yeah. That depends  
2 on the incident. I mean, a lot of  
3 times -- let's say a car chase kicked off,  
4 right, and it's on the toll road, and now  
5 I've got guys that are chasing bad guys  
6 that are throwing guns out of the car,  
7 narcotics are coming out of the car.

8 If I'm the sergeant responding to  
9 that scene, the first two things I say  
10 when I respond to that scene is I'll say,  
11 "8156, get air support and I need K-9  
12 en route to this call."

13 Because what I want -- and that's  
14 for the safety of the people that are  
15 fleeing as much as it is for the safety of  
16 the officers.

17 BY MS. LaVARCO:

18 Q Understood.

19 So is it true at Precinct 1 that any  
20 responding officer can request K-9 support?

21 A No. K-9 or supervision. That's it.

22 So if you're a K-9 handler, you can  
23 deploy yourself. If you're a supervisor, you can  
24 deploy K-9. But a deputy can't say, "Hey,  
25 1 Nora 67, I'm going to go ahead and I need K-9 on

1 this scene."

2 Well, then 8156 better say, "8156, I'm  
3 clear on this transmission. You can deploy K-9 on  
4 to that scene."

5 Q Got it.

6 A You tracking?

7 Q I think so.

8 A Cool.

9 Q How is using a K-9 different from using  
10 other kinds of force?

11 A I wouldn't be able to --

12 MS. VINSON: Object to form.

13 THE WITNESS: I wouldn't be able to  
14 answer that.

15 BY MS. LaVARCO:

16 Q How is using a K-9 different from using a  
17 Taser?

18 MS. VINSON: Object to form.

19 THE WITNESS: How do I answer that?

20 Using a dog -- I don't know. That's a  
21 dog. It's an animal. Using a Taser -- I  
22 know how to use a Taser. I don't know how  
23 to use a dog. So I can't answer that.

24 I know how to use my dogs at home.

25

1 BY MS. LaVARCO:

2 Q You have dogs at home?

3 A I used to. I don't anymore.

4 Q Would you say that either a Taser or a K-9  
5 is more likely to cause severe injury to a  
6 suspect?

7 MS. VINSON: Object to form.

8 THE WITNESS: Is the question  
9 you're asking which is more likely to  
10 cause injury to a suspect?

11 BY MS. LaVARCO:

12 Q Yes. That's right.

13 A I would say without a doubt the K-9 would  
14 cause more damage, depending on what the suspect  
15 is doing when the apprehension is made.

16 Q Would you say that a Taser is more  
17 predictable than a K-9?

18 MS. VINSON: Object to form.

19 THE WITNESS: That's -- again,  
20 that's hard for me to answer. I'm not a  
21 handler.

22 BY MS. LaVARCO:

23 Q Would you say that one or the other has  
24 more room for error?

25 MS. VINSON: Object to form.

1 THE WITNESS: I don't know. I  
2 mean, I -- I haven't seen a lot of  
3 problems with K-9s, but I've seen problems  
4 with Taser deployments.

5 BY MS. LaVARCO:

6 Q Did you receive any training at all at  
7 Precinct 1 about when it's appropriate to use a  
8 K-9?

9 A No. That's for handlers. I'm not a  
10 handler.

11 Q I see. So only K-9 handlers receive K-9  
12 training?

13 A Right.

14 Q Did you receive any training about what to  
15 do when a K-9 isn't following instructions?

16 A No.

17 Q Based on your observations in the patrol  
18 context, is a police K-9 bite worse than a  
19 domestic dog bite?

20 MS. VINSON: Object to form.

21 THE WITNESS: I'm going to say no.  
22 Because I've seen some horrific bites from  
23 civilian dogs. I've seen -- well, I had a  
24 dog that killed one -- a person that was a  
25 domestic dog from next door, came across



1 and killed the neighbor. And that was --  
2 that was a gross -- that was one of my  
3 homicide calls. It was disgusting.

4 BY MS. LaVARCO:

5 Q Do you know if K-9s are trained to bite  
6 particular body parts at Precinct 1?

7 MS. VINSON: Object to form.

8 THE WITNESS: Again, I don't -- I  
9 don't know anything about the K-9  
10 training.

11 BY MS. LaVARCO:

12 Q In your observations in K-9 deployments,  
13 how can you be sure that a dog's not going to bite  
14 someone's face?

15 MS. VINSON: Object to form.

16 THE WITNESS: I can't be sure of  
17 that. I have no idea.

18 BY MS. LaVARCO:

19 Q Have you ever seen a K-9 bite someone's  
20 face?

21 A No, I have not.

22 Q Have you ever seen a K-9 bite someone's  
23 neck or chest?

24 A No, I have not.

25 Q Have you ever seen a K-9 bite someone's

1     genitals?

2     A       Ew.    But no.

3               In a movie.

4     Q       Is a K-9 capable of causing fatal  
5     injuries?

6     A       Yeah.   I would say yes.

7     Q       Have you ever seen that happen?

8     A       No.

9     Q       Have you ever heard about a K-9 causing  
10    fatal injuries?

11    A       No.

12               Just to be clear, every time you say  
13    "K-9," I assume you are saying a police K-9.

14    Q       Yes.

15    A       Not -- not c-a-n-i-n-e, which is all dogs,  
16    but K-9?

17    Q       Yes.   No.

18    A       Okay.

19    Q       I appreciate that clarification.

20    A       Okay.

21    Q       Yes.   That's correct.   And you've been  
22    answering questions --

23    A       Okay.

24    Q       -- with respect to the letter K-9 --

25    A       Yes.

1 Q -- as in a K-9 used in a police context?

2 A One of the -- yes, ma'am. Yes, ma'am.

3 Q Okay. Did you receive any training on how  
4 to protect suspects during a K-9 apprehension?

5 A No.

6 Q Were you offered any training on how to  
7 protect yourself in the face of a K-9 who's not  
8 following instructions?

9 A I will answer this like this: I was never  
10 offered training, like formal training, but I've  
11 had every K-9 handler I've been around say, "stay  
12 behind me. Don't get in front of me and the dog,"  
13 because the dog will look at me as being bad guy.

14 Q Is the -- does the K-9 tend to look at  
15 whoever's in front of it as the bad guy or the  
16 suspect?

17 A I think what they tend to do is --

18 MS. VINSON: Object to form.

19 Go ahead.

20 THE WITNESS: I think what they  
21 tend to do is track what they're dealing  
22 with, and unless they're on an actual  
23 track to where they're looking for a  
24 scent, I think it's very easy to be  
25 distracted by someone getting in front of

1           them, and then that bite could go to  
2           whoever the person is that intervenes  
3           between the K-9 deployment and who they're  
4           attempting to actually apprehend.

5       BY MS. LaVARCO:

6           Q           I see.

7                       So have you ever seen a K-9 bite a  
8       bystander who wasn't a suspect?

9           A           Yes.

10          Q           In what circumstances have you seen that  
11       happen?

12          A           It was a burglary scene, and the dog was  
13       released on the bad guy. A guy was out working on  
14       a mobile home, ducked under the mobile home, and  
15       the dog went under the mobile home and mauled that  
16       civilian.

17          Q           Any other instances in which you've seen  
18       that happen?

19          A           No. That was the main one that sticks out  
20       in my head.

21          Q           Have you ever seen a K-9 bite a law  
22       enforcement officer outside of the training  
23       context?

24          A           Oh, yeah.

25          Q           What did that look like?

1 A Horrible.

2 Q What happened?

3 A Almost caught the femoral artery, because  
4 the individual attempted to take the person into  
5 custody at the same time the K-9 was released, and  
6 the dog transferred bite and bit the -- it was a  
7 female deputy -- bit her inside leg and missed her  
8 femoral artery by about a quarter inch.

9 Q Was that female deputy a K-9 handler?

10 A She was.

11 Q Was she the handler for that K-9 that bit  
12 her?

13 A She was not.

14 Q Have you seen a K-9 bite any other police  
15 officer?

16 A Yes.

17 Q What other circumstances?

18 A You talked about the groin. Biting in the  
19 groin. I had a -- we were on a -- I want to say  
20 we were tracking a -- we had, like, about eight  
21 guys with AK-47s shoot at us up around the north  
22 side of Houston, and of course we chased them.  
23 That's what we do. People shoot at us, we chase  
24 them.

25 And we chased them into this wooded

1 area, and we had two K-9s, we had air support  
2 above -- in fact, we had two helicopters that day,  
3 and we all went into the woods after these guys  
4 with machine guns. And one of the deputies  
5 decided to get in front of the other deputy to  
6 take one of the bad guys into custody, and the dog  
7 transfer bit -- didn't bite the suspect, but bit  
8 the officer in his genital area.

9 Q Was that officer the handler or someone  
10 else?

11 A It was an officer that was being dumb and  
12 got in the way of the K-9.

13 Q I see.

14 Any other instances in which you've  
15 seen a K-9 bite another officer?

16 A Nothing to talk about.

17 Q You can't remember any?

18 A No.

19 Q Okay.

20 MS. VINSON: Can we take a break  
21 soon? Maybe lunch?

22 MS. LaVARCO: Yeah. Let me check  
23 with Brittany real quick on when we want  
24 to take lunch. Just give me a sec.

25 I think I've only got about five or

1 six more questions in this section. Can  
2 we get through those and then we can take  
3 an hour for lunch? Does that work?

4 MS. VINSON: Yeah. We --

5 THE WITNESS: Whoa.

6 MS. VINSON: Sorry. We don't --

7 MS. LaVARCO: Oh, you unmuted.

8 MS. VINSON: We don't need an hour,  
9 but if you-all want an hour, that's fine.  
10 But we just talked. We'd be fine with  
11 30 minutes. But yeah.

12 MS. LaVARCO: Okay. I think we'll  
13 take an hour, if that's okay. Let's do  
14 that. Thanks.

15 Okay. Let me finish this up.

16 THE WITNESS: It's bugging me that  
17 the squares keep moving when we mute and  
18 unmute. Because you were over to the left  
19 of me, and now you're over there.

20 Okay.

21 MS. LaVARCO: Keeping you on your  
22 toes.

23 THE WITNESS: Good. Good.

24 MS. LaVARCO: You're doing the same  
25 for me, so...

1 THE WITNESS: Yup. That's what I  
2 do, ma'am.

3 BY MS. LaVARCO:

4 Q What is the minimum level of resistance  
5 that justifies releasing a K-9 to bite a suspect?

6 MS. VINSON: Object to form.

7 THE WITNESS: I can't answer that.

8 BY MS. LaVARCO:

9 Q Because you don't know?

10 A I don't know.

11 Q Does it matter what the suspected crime is  
12 before unleashing a K-9 to bite a suspect?

13 MS. VINSON: Object to form.

14 THE WITNESS: That -- I would have  
15 to know the circumstances. And, again,  
16 I'm not a K-9 handler. I really don't  
17 know that answer.

18 BY MS. LaVARCO:

19 Q Based on your observations and experience  
20 as a law enforcement officer who's worked with K-9  
21 handlers, what makes a K-9 handler effective?

22 MS. VINSON: Object to form.

23 THE WITNESS: I've always gone off  
24 being a supervisor and I didn't like bad  
25 guys getting away. I always thought an



1 effective K-9 handler is one that caught  
2 bad guys. That was it. That was me.

3 BY MS. LaVARCO:

4 Q Any other qualities that makes someone  
5 effective as a K-9 handler?

6 A People that communicated well and got  
7 along with other deputies.

8 Q Would you say that it's important for a  
9 K-9 handler to be patient?

10 A At times.

11 Q What times is it important for a K-9  
12 handler to be patient?

13 MS. VINSON: Object to form.

14 THE WITNESS: We've talked about  
15 this whole time about every incident is  
16 different. There's a multitude of  
17 variables that come into play every single  
18 time we get out of a patrol car. I can't  
19 answer that objective -- or subjectively.

20 Did I say that right? Did I ask  
21 that right?

22 BY MS. LaVARCO:

23 Q Is it important for a K-9 handler to be  
24 emotionally stable?

25 A I would say yes.

1 Q How important is it for a K-9 handler to  
2 be emotionally stable?

3 MS. VINSON: Object to form.

4 THE WITNESS: I think in -- if  
5 you -- in order for you to connect with  
6 that dog, you've got to have some type of  
7 sensibility that you're actually --  
8 although, I mean, some of them get a  
9 little -- they maybe connect too much with  
10 their dogs sometimes. But that's them,  
11 not me.

12 BY MS. LaVARCO:

13 Q What do you mean by they "connect too much  
14 with their dogs"?

15 A When -- you know, post -- post taking  
16 someone into custody, when they do the whole get  
17 happy with the dog and they're hugging them and  
18 rubbing them and giving them toys and I'm like,  
19 "What the hell?" But it's -- I'm not a K-9  
20 handler. Maybe I wasn't affectionate enough to be  
21 a dog handler.

22 Q So how important is it for a K-9 handler  
23 to be emotionally stable?

24 MS. VINSON: Object to form.

25 THE WITNESS: I can't answer that.

1 BY MS. LaVARCO:

2 Q Is it important for a K-9 handler to be  
3 professional?

4 A Sure. All police officers should be  
5 professional, no matter what your role.

6 Q Is it more important for a K-9 handler to  
7 be professional?

8 A No. It's equally important to all people  
9 that wear the badge and carry a gun.

10 Q What does it mean to be professional for a  
11 law enforcement officer?

12 A Act --

13 MS. VINSON: Object to form.

14 THE WITNESS: Act with integrity.

15 You know, integrity to me is doing the  
16 right thing no matter if someone's  
17 watching you or not. That's what it means  
18 to be professional.

19 Carry yourself at a higher -- I  
20 don't want to say we're above the public,  
21 because we're not. We are the public. We  
22 just put on uniforms. I don't put my  
23 pants on any different than Brittany does.  
24 I mean, maybe. I don't know.

25 But it's just kind of one of those

1 things that to be professional is carrying  
2 yourself with a demeanor that shows that  
3 you care about what you're doing, and also  
4 that you have respect for what you're  
5 doing and the people that you involve  
6 yourself with on a daily basis.

7 BY MS. LaVARCO:

8 Q Is it important for a K-9 handler to be  
9 ethical?

10 A Yes.

11 Q Why is it important for a K-9 handler to  
12 be ethical?

13 A I think it's important for everybody to be  
14 ethical. I don't care what -- you-all should be  
15 ethical. I should be ethical. Everybody should  
16 be ethical. It's all important.

17 Q How important is it for a K-9 handler to  
18 be ethical?

19 A As important --

20 MS. VINSON: Object to form.

21 THE WITNESS: As important as it is  
22 for me to be ethical as not being a  
23 K-9 handler.

24 BY MS. LaVARCO:

25 Q What makes an ethical law enforcement

1 officer, specifically?

2 MS. VINSON: Object to form.

3 THE WITNESS: I really don't know  
4 how to answer that. Having good  
5 character, making sure that you have good  
6 morals, and you do the right thing.

7 BY MS. LaVARCO:

8 Q How many K-9 handlers did you work with at  
9 Precinct 1?

10 A Five.

11 Now, they all rotated. Two was my  
12 primary that were on my shift.

13 Q Who were the K-9 handlers on your shift?

14 A I had Madison Sperry. Eric Bruss was one  
15 of my handlers when I was a corporal on second  
16 shift. Robert Johnson was a handler, but he  
17 wasn't my handler. I was his subordinate.  
18 Courtney -- I can't remember Courtney's last name.  
19 And then the girl that got bit, I can't remember  
20 her name either. But those were the five.

21 Lori? I don't remember.

22 Q Was Robert Johnson an effective  
23 K-9 handler?

24 A He was.

25 Q Would you describe Robert Johnson as

1 patient?

2 A At times.

3 Q Would you describe Robert Johnson as  
4 patient in a patrol context?

5 A Yeah. When he needed to be patient, he  
6 was patient.

7 Q Would you describe Robert Johnson as  
8 emotionally stable?

9 A Yes. The Robert Johnson I knew, yes.

10 Q Did you later come to find out that he was  
11 not emotionally stable?

12 A I -- well, I don't know if he was  
13 emotionally unstable, but he did some stuff that I  
14 wouldn't approve of.

15 Q When did you find out about the stuff that  
16 you wouldn't have approved of?

17 A When he shot himself.

18 Q That's when you first found out that he  
19 did stuff you wouldn't have approved of?

20 A Yup. I was in San Antonio and got a phone  
21 call from my lieutenant.

22 Q Who was your lieutenant?

23 A Scott Boyce.

24 Q Would you describe Robert Johnson as  
25 professional?

1 A Yes.

2 Q Would you describe Robert Johnson as  
3 ethical?

4 A Yes.

5 MS. LaVARCO: Okay. I think we can  
6 take a break now. I'm sure the folks want  
7 to eat lunch.

8 MS. VINSON: We'll come back at  
9 1:00?

10 THE VIDEOGRAPHER: We are now --

11 MS. LaVARCO: Can we come back at  
12 2:05? Is that fine?

13 MS. VINSON: Sorry, not --

14 THE WITNESS: You're in New York.  
15 We're going to come back 1:00.

16 MS. LaVARCO: Yes. Yes. You come  
17 back at 1:05, you come back at 2:05. Make  
18 sense?

19 THE WITNESS: Yes. Perfect.

20 MS. VINSON: Got it.

21 THE VIDEOGRAPHER: We are now going  
22 off the record. The time is 12:04 p.m.

23 (Recess from 12:04 p.m. to 1:07 p.m.)

24 THE VIDEOGRAPHER: We are now on  
25 the record. The time is 1:07 p.m.

1 BY MS. LaVARCO:

2 Q Welcome back, Mr. Schultz.

3 A Glad to have you.

4 Q Can I ask: During the break, did your  
5 lawyers give you any feedback on your answers to  
6 my questions?

7 A No.

8 Q During the break, did your lawyers give  
9 you advice on how to answer my questions going  
10 forward?

11 A No.

12 MS. VINSON: Shirley --

13 THE WITNESS: What?

14 MS. LaVARCO: Thank you.

15 MS. VINSON: I'm going to object to  
16 the improper questions about  
17 attorney-client privileged information.

18 BY MS. LaVARCO:

19 Q Mr. Schultz, did you receive any training  
20 on the duty to intervene while you were employed  
21 with Precinct 1?

22 A I didn't catch what your -- the middle of  
23 that question was. Ask me that again.

24 Q Okay. Did you receive any training on the  
25 duty to intervene when you were employed with



1 Precinct 1?

2 A On the duty to intervene? Is that what  
3 you're -- you're breaking up right when the  
4 keyword comes on.

5 Q Oh, okay. Let me see if I --

6 A I think you said --

7 MS. VINSON: Hold on. Hold on.

8 THE WITNESS: Okay.

9 MS. VINSON: It feels like that  
10 one's breaking up, but mine's not.

11 THE REPORTER: Yeah, I can hear it  
12 fine, for what it's worth.

13 THE WITNESS: Okay. Try it again,  
14 Shirley.

15 MS. VINSON: Let me plug in the  
16 charger over here now. Maybe that will  
17 help.

18 MS. LaVARCO: Okay. I can wait for  
19 you guys to get situated over there and  
20 then we'll try again. I definitely want  
21 you to be able to hear me, Mr. Schultz. I  
22 don't want you to have to struggle.

23 THE WITNESS: I am ready. Try it  
24 again.

25

1 BY MS. LaVARCO:

2 Q Okay. Did you receive any training on the  
3 duty to intervene while you were employed with  
4 Precinct 1?

5 A No.

6 Q Are you familiar with Precinct 1's policy  
7 on the duty to intervene?

8 A I've -- if there is a policy on it, I'm  
9 sure I've read it. But no.

10 Q Do you know whether there is a policy on  
11 the duty to intervene at Precinct 1?

12 A I do not.

13 Q Do you know what the duty to intervene is?

14 A I do not.

15 Q Have you received any training at all on  
16 the duty to intervene during your time as a law  
17 enforcement officer?

18 A Not as a primary training, no.

19 Q Has the duty to intervene been a topic in  
20 any other training during your time as a law  
21 enforcement officer?

22 A Nothing that's standing out in my head,  
23 no.

24 Q Have you received any training on what to  
25 do when you see another law enforcement officer

1 using excessive force?

2 A So something came out with Precinct 1  
3 probably a year before I left. There was a new  
4 policy that came out, and it was about basically  
5 tattling on other agencies if you saw something  
6 that was excessive. But I believe it applied to  
7 our agency as well, but we had no training on it.

8 Q What do you mean by "tattling on other  
9 agencies"?

10 A Well, like if I was in the area of Houston  
11 Police Department, and I saw a Houston police  
12 officer roughing someone up or being overly  
13 aggressive or using more force than was necessary,  
14 it's our duty, as Texas peace officers, now to  
15 report it.

16 Not -- it didn't say anything about  
17 intervening. I think that's just common sense,  
18 depending on the officer. But, no, the  
19 intervening was never a part of any training.

20 Q What did you think about that policy that  
21 required you to report when other -- when members  
22 of other law enforcement agencies were using more  
23 force than necessary?

24 A I think that's great. I think if people  
25 are doing the wrong thing, they need to be -- it

1 needs to be documented and it needs to be  
2 addressed. 100 percent.

3 Q Did that policy also require you to report  
4 when officers from your same agency were using  
5 force that you thought was excessive?

6 A Yes, ma'am.

7 Q Was that policy put in place before or  
8 after the incident giving rise to this litigation,  
9 so before or after February 2021?

10 MS. VINSON: Object to form.

11 THE WITNESS: And after.

12 BY MS. LaVARCO:

13 Q After.

14 Do you know approximately when? What  
15 month or year?

16 A I do not.

17 Q Do you remember whether that was part of a  
18 proposed countywide use of force policy?

19 A I can't recall if it was countywide or if  
20 it was state legislature that came out. I can't  
21 recall.

22 Q Do you know what the policy was called?

23 A I do not.

24 Q How did you learn about the policy?

25 A It was sent in an email.

1 Q Who sent the email?

2 A Don't recall.

3 Q Was it sent in an email to your Precinct 1  
4 email address?

5 A Yes, ma'am.

6 Q Does the -- did the policy apply  
7 regardless of whether the officer committing  
8 excessive force is your superior?

9 A It didn't address who it was. It just  
10 said "another officer."

11 Q Did the policy address whether you should  
12 report an officer for fabricating evidence?

13 A No.

14 Q Do any Precinct 1 policies address whether  
15 you should report another officer who you believe  
16 to have fabricated evidence?

17 MS. VINSON: Object to form.

18 THE WITNESS: I don't know. I  
19 would say yes. That just makes common  
20 sense to me.

21 BY MS. LaVARCO:

22 Q Have you ever reported another officer for  
23 using force that you thought was excessive?

24 A No.

25 Q Have you ever reported another officer for

1 using language that you thought was inappropriate  
2 or foul?

3 A No.

4 Q Have you ever reported another law  
5 enforcement officer for any reason at all?

6 A No. It depends on how you look at that.  
7 I was a supervisor that handled those complaints  
8 from other people that came in. So I had to  
9 address them on a board and go forward with them.  
10 So --

11 Q What was --

12 A Like for policy violations during a  
13 pursuit or policy violations during a use of force  
14 or policy violations during a crash, I was the  
15 supervisor over that when I was a lieutenant at  
16 Precinct 4.

17 Q I see.

18 Does Precinct 1 policy require you to  
19 step in when you see a fellow officer using  
20 excessive force?

21 A I can't -- I don't know. Me, I would.  
22 But I don't know that answer.

23 Q And that board that you sat on, you said  
24 you sat on that board during Precinct 4 and you  
25 conducted -- or while you were employed with

1 Precinct 4 and you conducted use of force reviews?

2 A Uh-huh.

3 Q Is that accurate?

4 A Yes.

5 Q What were your other responsibilities on  
6 that board?

7 A What was that?

8 Q What were your other responsibilities on  
9 that board?

10 A All I was was just a mediator. I was a  
11 mediator.

12 Q What is a mediator's role on that board?

13 A So oversee everyone else when they were  
14 done with their investigation. I was just the  
15 person that was overseeing that it was being  
16 justly investigated.

17 Q How did you ensure that it was being  
18 justly investigated?

19 A Just making sure they were following  
20 policy.

21 Q Making sure that the investigators were  
22 following policy or making sure that the people  
23 who had reports against them were following  
24 policy?

25 A Both.

1 Q How long did you serve on that board?

2 A Oh, I promoted up again. Probably a year.

3 Q What do you mean by you "promoted up  
4 again"?

5 A When I made captain, I wasn't on it  
6 anymore.

7 Q I see.

8 So what rank did you hold while you  
9 were on that board?

10 A Lieutenant.

11 Q And what was the name of that board?

12 A "The Use of Force Board."

13 Q Is there a similar board at Precinct 1?

14 A Don't know.

15 Q Has anyone ever tried to stop you from  
16 violating department policy?

17 A No.

18 Q Has anyone ever tried to stop you from  
19 violating the law?

20 A Maybe I was speeding once and my wife told  
21 me to stop speeding.

22 Q Any other instances?

23 A No.

24 Q When you were serving as a mediator on the  
25 use of force review board, did you ever have to



1 evaluate whether an officer should have intervened  
2 to stop excessive force?

3 A I don't recall. I'm trying to think.  
4 There was a bunch.

5 No.

6 Q About how many use of force reviews would  
7 you say that you conducted while you were a member  
8 of that board?

9 A There wasn't as many as you would think.  
10 Maybe 20 of them. Maybe.

11 Q And how are use of force -- uses of force  
12 referred for investigation to the board?

13 A Just to make sure the policy was followed  
14 and the use of force was actually necessary during  
15 the arrest.

16 Q Was it automatically referred?

17 A Was it what?

18 Q How did complaints make it to the use of  
19 force review board?

20 A Okay. It wasn't complaints. It was any  
21 time use of force was employed, it had to go to a  
22 board to make sure it was justifiable force. It  
23 wasn't anything from citizens complaining.  
24 Anything with that would have been going to  
25 internal affairs.

1 Q I see.

2 So any reported use of force was  
3 automatically referred to the use of force review  
4 board?

5 A Correct.

6 Q Have you ever sat in any other board in  
7 which you were asked to review other officers' use  
8 of force?

9 A No.

10 Q What materials did the board consider when  
11 making their determinations about whether force  
12 was appropriate?

13 A Ask me that again. Sorry.

14 Q When deciding whether the use of force was  
15 appropriate in the board you served on, what  
16 materials did the board consider?

17 A They considered the report, the bodycam  
18 footage, and the footage from the arbitrator, the  
19 dash cam.

20 Q During those investigations, were  
21 witnesses consulted?

22 A If need be, yes.

23 Q Civilian witnesses were consulted?

24 A If they needed to be. But if it got to  
25 where civilians needed to be involved, it was

1 going to internal affairs.

2 Q Of the 20 or so complaints that you say --  
3 sorry. I'll rephrase.

4 Of the 20 or so instances in which you  
5 were asked to evaluate whether a use of force was  
6 appropriate, on how many occasions was the use of  
7 force found inappropriate?

8 A Not one.

9 Q On that board, did you refer to precinct  
10 policy in deciding whether the use of force was  
11 appropriate?

12 A Policy and the law.

13 Q How did -- how did members of the board  
14 come to understand the law and what was  
15 appropriate?

16 A By reading it.

17 Q What forms of law would they read?

18 A Code of Criminal Procedures, Penal Code,  
19 and policy.

20 Q Would they read case law?

21 A No.

22 Q Would they read memoranda describing case  
23 law?

24 A No.

25 Q Would they consult any other materials to

1 understand what the law required with respect to  
2 the use of force?

3 A No.

4 Q Did you receive any training in advance of  
5 sitting on this board?

6 A No. I was just lucky to be the lieutenant  
7 that got assigned to it.

8 Q When you say "lucky," do you mean it  
9 genuinely, or are you being sarcastic?

10 A No. I enjoyed it. I enjoyed seeing what  
11 they were doing out there.

12 Q I see.

13 A Sorry if I sounded sarcastic.

14 Q Oh, no, you didn't. I just wanted to  
15 understand, because tone's a little bit difficult  
16 sometimes over Zoom.

17 A Sure.

18 Q And if I look away for a moment, it's  
19 because my brain is not all-knowing and full of  
20 capacity, so it's not that I don't want to look at  
21 your face.

22 A Okay.

23 Q Can you tell me your current cell phone  
24 number?

25 A Yes. [REDACTED]

1 Q And how long have you had that number?

2 A Oh, six months. Seven months.

3 Q Why did you change your phone number?

4 A Just decided -- my wife and I decided to  
5 change our numbers.

6 Q How come?

7 A No reason.

8 Q Were people contacting you that you'd  
9 prefer not contact -- contacted you?

10 A We'll say -- yeah. We'll say some of my  
11 past came up and it was better to change my phone  
12 number.

13 Q What from your past came up?

14 A Just personal stuff.

15 Q I apologize if this is personal, but I  
16 have to ask: What sort of personal stuff came up  
17 that required you to change your phone number?

18 A I was waiting on that.

19 MS. VINSON: I mean, if it's  
20 confidential and you don't need to talk to  
21 me because you don't feel like you should  
22 answer it, we can take a break.

23 THE WITNESS: No, it was just, I  
24 guess, like, ex --

25 MS. VINSON: Especially if it

1 relates to your wife or something that's  
2 not related to this case, they don't get  
3 to know everything and anything that's  
4 personal and confidential. So there are  
5 boundaries.

6 BY MS. LaVARCO:

7 Q Do you want to say in general terms,  
8 Mr. Schultz? Would you feel comfortable with  
9 that?

10 A Let's just say [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] and we decided to change our numbers  
13 collectively.

14 Q Understood.

15 Was there any other factor that led  
16 you to change your phone number?

17 A No.

18 Q Do you currently have any other phone  
19 numbers?

20 A I have a work phone number.

21 Q What's your work phone number?

22 A That's a great question.

23 I don't -- I don't know.

24 [REDACTED] I think.

25 MS. LaVARCO: Ms. Vinson, would you

1 be willing to verify Mr. Schultz's phone  
2 numbers after the deposition?

3 MS. VINSON: Sure.

4 MS. LaVARCO: Thank you.

5 THE WITNESS: I'm pretty sure  
6 that's it.

7 BY MS. LaVARCO:

8 Q And is that for your current sales gig?

9 A It is my current sales gig, yes.

10 Q And what about at your -- phone number  
11 before the current sales gig? Where were you  
12 employed then, again? Can you remind me?

13 A Before -- what you mean, with the  
14 Vacations To Go place? I didn't have a phone  
15 number.

16 Q Yeah. And then before that, immediately  
17 before that, were you with Precinct 1 or were you  
18 somewhere else?

19 A That was when I was at Precinct 6 for that  
20 week.

21 Q Right.

22 A Then Precinct 1, and I didn't have a cell  
23 phone there. I had --

24 Q You didn't --

25 A -- a personal cell phone, but not a work

1 phone.

2 Q Okay. You had your personal cell phone at  
3 both Precinct 6 and Precinct 1?

4 A Yes.

5 Q And you did not have a work phone at  
6 Precinct 1?

7 A I did not. I didn't become cool until I  
8 started working for EPS.

9 Q And you didn't have a work phone at  
10 Precinct 6 either?

11 A I did not.

12 Q And before you changed your cell phone  
13 number about six months ago, what was your number  
14 before that?

15 A [REDACTED]

16 Q Do you know approximately how long you had  
17 that number?

18 A Eons. Probably longer than you've been  
19 alive.

20 Q Okay.

21 A Just kidding.

22 Q And what cell phone provider do you  
23 currently use?

24 A AT&T.

25 Q Have you used AT&T for the entire time



1 since you changed your number six months ago?

2 A I think I've grown -- yeah. I think I  
3 started with Nextel, it became Sprint, and it  
4 became AT&T, and I've been with them forever.

5 Q Okay. Nextel to Sprint to AT&T. Is that  
6 all for the number ending in [REDACTED]?

7 A No. [REDACTED].

8 Q Okay. So the one ending --

9 A I've only had the [REDACTED] for six months.

10 Q And which providers did you use for the  
11 8354?

12 A Only AT&T.

13 Q Only AT&T. Okay.

14 And then just so I understand, the  
15 number ending in [REDACTED], the one that you had for  
16 eons, you were with Sprint?

17 A See, you're not paying attention. You're  
18 not paying attention. So I'm going to help you  
19 because you're not paying attention.

20 Q I appreciate it.

21 A So that is my work phone number that you  
22 just gave, the 888.

23 Q Okay.

24 A I haven't had that for eons. [REDACTED] I've  
25 had for eons.

1 Q And your phone provider is with the phone  
2 number ending in [REDACTED]?

3 A Yes. That's the AT&T eons phone number.

4 Q "The AT&T eons phone number"?

5 A There you go.

6 Q And at some point, you also had Sprint  
7 and --

8 A They've all been the same provider, just  
9 one bought out the next.

10 Q I see.

11 And what phone provider is the work  
12 phone that you currently have ending in [REDACTED]?

13 A That is a great question. I don't know.

14 Q Does your job provide you with that  
15 phone --

16 A Yes.

17 Q -- or did you purchase it yourself?

18 A No. They provide it to me.

19 Q What kind of phone is it?

20 A I think -- I think it's AT&T also.

21 It's an iPhone.

22 Q Do you know what model?

23 A It's like a 3. It's like the best money  
24 can buy.

25 Q And what about your current personal phone

1 number? What model phone do you have?

2 A It's a Galaxy S22.

3 Q And have you had the Galaxy S22 since you  
4 changed your number to that?

5 A Yeah. I've had that phone a pretty good  
6 long time.

7 Q So since you got that number, the 8354  
8 number about 6 months ago, you've had the Galaxy  
9 S22?

10 A Yes.

11 Q And what about before you changed your  
12 phone number? What phone did you have then?

13 A Galaxy S22.

14 Q How long have you had the Galaxy S22?

15 A Like two-and-a-half years. Almost three  
16 years.

17 Q Have you had any other phone numbers  
18 between now and February 2021?

19 A No.

20 Q Do you have any of your old phones that  
21 are no longer in use?

22 A No. Not --

23 Q What did you do with your old phones?

24 A I probably threw them out. No reason to  
25 keep them.

1 I might have traded in the last one.

2 I think I traded in the last one.

3 Q Do you remember when that was?

4 A I have no idea. I'm old.

5 Q But something like more than -- what did

6 you say -- you've had this Galaxy phone for

7 two-and-a-half years?

8 A Uh-huh.

9 Q So maybe --

10 A About that time.

11 Q Okay. And what was the phone that you

12 traded in?

13 A That's a great question. I don't know.

14 S20 --

15 Q Do you remember --

16 A S20 maybe. S -- I don't --

17 Q And that's another Galaxy?

18 A I've always -- yeah. It's always been

19 Google -- or not Google. Android.

20 Q Android. Okay.

21 A I'm not a real fan of iPhones.

22 Q I'm with you.

23 Do you use a landline?

24 A No. How barbaric.

25 Q Have you used a landline at any point

1 within the last, say, five or six years?

2 A No. The last time I used a landline, it  
3 went like this (indicating).

4 Q Do you currently use a business phone  
5 apart from the [REDACTED] number?

6 A No. No.

7 Q Do you use an application called "Facebook  
8 Messenger"?

9 A I haven't in a long time.

10 Q Why did you stop using it?

11 A I got rid of Facebook.

12 Q When did you get rid of Facebook?

13 A A year and a half ago-ish.

14 Q Why did you decide to get rid of Facebook  
15 a year and a half ago?

16 A Just a lot of drama on Facebook. People  
17 just don't know how to just keep to themselves.

18 Whoops. You're frozen.

19 Q Oh, can you see me now?

20 A Everybody's frozen but me.

21 MS. LaVARCO: Celena, are you able  
22 to see us? Because we can see you.

23 THE VIDEOGRAPHER: Nothing is  
24 frozen on my end. Do you want to give it  
25 a moment or go off the record?

1 MS. LaVARCO: It says over here  
2 your internet connection is unstable,  
3 so --

4 THE WITNESS: Okay.

5 MS. VINSON: Can you-all hear me  
6 now?

7 THE VIDEOGRAPHER: Yes, ma'am.

8 MS. LaVARCO: We can hear you.

9 MS. VINSON: It just had a message  
10 that said our internet connection is  
11 unstable, so maybe it was us. But, yeah,  
12 you were frozen.

13 THE WITNESS: We're good now.

14 MS. LaVARCO: We're good now?  
15 Okay.

16 MS. VINSON: I think we're good.

17 THE WITNESS: You switched spots.  
18 You and Celena switched spots is throwing  
19 me off.

20 MS. LaVARCO: Musical chairs.  
21 Okay. If we have tech issues again, let  
22 me know and we'll go off the record for a  
23 couple of minutes.

24 BY MS. LaVARCO:

25 Q So you said you deleted Facebook about a

1 year and a half ago because there was a lot of  
2 drama?

3 A Just a lot -- yeah. People posting stuff  
4 that I didn't care about. I was just like -- I  
5 didn't need that, so I'm getting too old to...

6 Q What kind of stuff were they posting?

7 A Huh?

8 Q What kind of stuff do you not need?

9 A Everything. I just want stuff about my  
10 family.

11 Q I see.

12 Have you ever used Snapchat?

13 A Yes.

14 Q Do you currently use Snapchat?

15 A I don't currently use it, but I think I'm  
16 still available on it. I haven't had it installed  
17 on my phone in probably a year or so. But I don't  
18 think I ever logged off of it.

19 Q Do you recall your handle or username?

20 A My handle? Like "Maverick"?

21 I think it's -- I think it's

22 [REDACTED]."

23 Q Do you use Instagram?

24 A Yes.

25 Q Do you currently use Instagram?

1 A No.

2 Q When did you stop using Instagram?

3 A About the same time I stopped using  
4 Facebook.

5 Q For the same reasons you stopped using  
6 Facebook or for other reasons?

7 A Same.

8 Q What was your username on Instagram?

9 A [REDACTED]

10 Q Did you disable your Instagram and  
11 Facebook accounts before or after this lawsuit was  
12 filed?

13 A Oh, after. Because a year and a half --  
14 we filed this how long ago now? I don't know that  
15 answer. I didn't do it -- how long has it been?  
16 When did we file this? Remind me.

17 Q Did you -- would you say that -- did you  
18 delete Facebook about sometime last year?

19 A Yes -- no. It was in '22.

20 Q '22?

21 A Uh-huh.

22 Q What was your Facebook username?

23 A Oh, [REDACTED] I think.

24 Q You didn't use your last name?

25 A No. Why would I do that?



1 Q What email address did you use for  
2 Facebook?

3 A I want to say it was the badshark -- my  
4 Gmail account. [REDACTED]

5 Q What's your --

6 A [REDACTED]

7 Q What other email addresses do you have?

8 A That's it.

9 Q You don't have a Yahoo account?

10 A No.

11 Q AOL?

12 A AOL? AOL, is that old?

13 No.

14 Q And I hope I'm not about to offend you,  
15 but do you have a Hotmail account?

16 A That does offend me, and I'm done with  
17 this interview.

18 No. No, I don't have a Hotmail  
19 account, and I don't have MySpace either, if  
20 you're fixing to go there too.

21 Q You know, I wasn't even -- I wasn't even  
22 going to go to MySpace.

23 A You know that MySpace, Facebook, and  
24 Twitter are all about to merge together. But  
25 we'll talk about that later.

1 Q I'll have to hear what you think about  
2 that.

3 Do you use Twitter?

4 A No. No. That's way too much talking.

5 Q Do you use Twitter as rebranded as X?

6 A Oh, I didn't even know it rebranded as X.

7 No.

8 Q Okay. Have you ever used Twitter?

9 A No.

10 Q Do you use YouTube?

11 A Define using YouTube. I watch funny stuff  
12 on it.

13 Q Do you watch funny stuff on it with your  
14 Gmail account, I guess then?

15 A Oh, no.

16 Q Is that right?

17 A No. I do watch a lot of how-to videos on  
18 YouTube, like how to fix my toilet, how to paint  
19 my garden. You know.

20 Q How to eat a poop sandwich. Yes?

21 A How to eat a poop sandwich. I'm glad you  
22 remembered that, Shirley.

23 Q How could I forget?

24 A I'm very upset Brittany didn't put her  
25 glasses on after we talked about it, but that's

1 cool.

2 Q Do you use TikTok, Mr. Schultz?

3 A I used to have TikTok, and when I went to  
4 homicide with the sheriff's office, they made me  
5 get rid of it.

6 Q Why did they make you get rid of it?

7 A I have no idea. They did not want us on  
8 TikTok.

9 Q What was your username with TikTok?

10 A Oh, I have -- I couldn't even tell you.  
11 It's been four years. I couldn't even tell you  
12 what it was.

13 Q Did you post your own videos on TikTok?

14 A I posted some videos.

15 Q What were they about?

16 A The funny stuff that they do when you  
17 mimic something. The one where the guy's falling  
18 and he goes (indicating). That one. You know,  
19 just funny stuff.

20 Q Did you -- did you post about being a law  
21 enforcement officer on TikTok?

22 A I don't recall if I did or not. Maybe. I  
23 might have been in uniform in one of the ones I  
24 did. I think I did a "Bad Boys" one, yeah. It  
25 probably happened.

1 Q Some sort of musical enactment?

2 A Do what?

3 Q Some sort of musical enactment? Is that  
4 what you mean?

5 A No. It's where they -- I guess you do a  
6 mirror image of TikTok when they do it kind of  
7 thing. I don't know what it is.

8 Q Do you use a messaging app called  
9 "Signal"?

10 A Never heard of it.

11 Q Have you ever used iCloud?

12 A No.

13 Q Do you use Google Drive?

14 A I don't even know what that is.

15 Q Do you back up your photos on your Android  
16 phone?

17 A Unfortunately, no. If you can teach me  
18 that after this is over, let me know.

19 Q Have you ever backed up your photos on  
20 your Android phone?

21 A I don't think so. I don't know how to do  
22 it.

23 Q You didn't have a child or a stepchild to  
24 help you?

25 A Maybe I need to.

1 Q When you changed phones, did your contacts  
2 migrate from one phone to the next?

3 A Yes.

4 Q When you changed phones, did your messages  
5 migrate from one phone to the next?

6 A Yes.

7 Q Do you use WhatsApp?

8 A I have used WhatsApp in the past.

9 Q Why did you stop using WhatsApp?

10 A I got out of the unit that I was in that I  
11 used it for.

12 Q What unit was that?

13 A Special response group.

14 Q Was that at Precinct 1?

15 A That was at the sheriff's office.

16 Q Did you use WhatsApp with Precinct 1?

17 A No.

18 Q Did other deputies use WhatsApp at  
19 Precinct 1, to your knowledge?

20 A I don't know.

21 Q Do you use Reddit?

22 A I don't -- what is Reddit?

23 Q No need if you don't know what Reddit is.

24 A Okay.

25 Q It's a messaging forum.

1 A Oh, okay.

2 Q Are there any other instant messaging  
3 applications that you use?

4 A No.

5 Q Do you access your text messages on a web  
6 browser?

7 A No. No.

8 Q Do you have a tablet or an iPad?

9 A No.

10 Q Have you ever accessed messages on a  
11 tablet or iPad?

12 A No.

13 Q What electronic communication devices did  
14 you use at Precinct 1?

15 A The computer at work, the computer in the  
16 car, and that was it.

17 Q Is anybody assigned a phone number for  
18 work at Precinct 1?

19 A Maybe command staff. I don't know that  
20 answer.

21 Q Did you ever take notes by hand at  
22 Precinct 1?

23 A Maybe when I was taking reports. I had a  
24 form that I would fill out stuff on, but I had so  
25 many rookies they normally took the reports.

1 Q Sounds like a very compassionate  
2 supervisor, giving them all the paperwork.

3 A That sounded like sarcasm, Shirley.

4 Q Did it?

5 A A little bit, yeah. Brittany thought so  
6 too.

7 Q I apologize.

8 A Look at that big smile on Brittany's face.

9 Q Did you use any other online forums or  
10 groups?

11 A For -- no. I don't even need to ask what  
12 for what. No.

13 Q Okay. Can you explain to me your duties  
14 at Precinct 1 with respect to writing reports?

15 MS. VINSON: Object to form.

16 THE WITNESS: Gather information  
17 and put the appropriate information into  
18 the report in a report form.

19 BY MS. LaVARCO:

20 Q Is it important to be complete when  
21 writing reports?

22 A Certainly it is.

23 Q Is it important to be accurate when  
24 writing reports?

25 A Very accurate.

1 Q Why is it important to be complete and  
2 accurate when writing reports?

3 A Well, that goes back to what you asked me  
4 about earlier with ethics and morals and  
5 integrity. If I don't have that, if I'm not  
6 putting the right stuff in there and I'm just  
7 fabricating information or omitting information,  
8 then I'm not doing what I swore to do as a police  
9 officer.

10 Q What was your process for writing reports  
11 when you worked at Precinct 1?

12 A What was my what?

13 Q Your process?

14 A "Process." I thought you said "progses,"  
15 and I didn't understand. I was like -- what was  
16 my process?

17 You know, arrive on scene, determine  
18 what's happening, make sure there's no -- no  
19 situations still ongoing, and then gather the  
20 information, talk to witnesses, talk to the  
21 victims, talk to the suspects.

22 Once I have all the information  
23 together, gather information that I had from the  
24 initial call, recall information that I had from  
25 dispatch airing information out over the radio,



1 and placing all that information inside of a  
2 document in our report writing system.

3 Q Did you typically write your reports while  
4 you were still on the scene?

5 A Sometimes I would -- it depends on what  
6 kind of call it was. If it was a burglary or a  
7 robbery -- or not a robbery. A burglary or  
8 criminal mischief, something that's kind of -- I  
9 know burglary sounds bad, but it's kind of a  
10 low-key thing because it's past tense, it's  
11 already happened. I would, a lot of times, write  
12 my report there so it was done before I went to  
13 the next call, yes.

14 But if something was in progress,  
15 there was a lot of moving parts, a lot of things  
16 going on, I would refer to bodycam later to  
17 document information and write it while I was at  
18 the station and I could have a clear mind and not  
19 have a lot of scattered stuff going around on the  
20 scene.

21 Q When you were writing reports at  
22 Precinct 1, did you document only your firsthand  
23 observations or did you also document things that  
24 other officers told you?

25 A If I had said anything about another

1 officer, I would put in the report "refer to their  
2 report" or "refer to their supplement."

3 Q So you wouldn't include details in a  
4 report that you didn't personally observe or hear?

5 A No, ma'am.

6 Well, let me rephrase. Let me pull  
7 back on that.

8 There -- yes. If there was something  
9 that I felt was pertinent to my charge or to what  
10 I was doing, I would put a -- maybe a synopsis of  
11 what they did to kind of relate to what I needed  
12 to relate to for the charge, and then I would say  
13 "refer to their supplement for any additional  
14 info."

15 Q Would you do anything to indicate those  
16 weren't your firsthand observations?

17 A By -- yeah. I would say that that deputy  
18 did X or -- yes.

19 Q In your experience, is it customary to  
20 confer with other officers on -- who are on the  
21 scene while you're writing your reports?

22 A Is it customary to refer to other  
23 deputies? Yeah. Especially if I'm -- like  
24 there's times where I, as a field training  
25 officer, would respond with a rookie with a

1 training officer. And once we got there, because  
2 we were the ones that had the new guy with us, I'd  
3 gather information from other people and have that  
4 rookie gather information from other people so we  
5 could make sure that the report was accurate.

6 But then I would follow up and talk to  
7 the people they had talked to to get additional  
8 information to make sure their accounts were  
9 accurate.

10 Q When you were employed at Precinct 1, who  
11 was responsible for reviewing your reports?

12 A Scott Boyce. Lieutenant Scott Boyce.

13 Prior to that was Sergeant Robert  
14 Johnson. But when I made sergeant, it was Scott  
15 Boyce.

16 Q When did you make --

17 A But -- sorry.

18 Q No. Go ahead and finish.

19 A Johnson was my direct supervisor when I  
20 first got hired.

21 Q I see.

22 And did Johnson remain your direct  
23 supervisor until he died?

24 A No. Because I promoted about six months  
25 before that.

1 Q I see.

2 A So we were the same rank when he -- when  
3 he shot himself.

4 Q Okay. And immediately after that, when  
5 you were promoted, you reported to Scott Boyce?

6 A Correct.

7 Q Aside from the lawsuit that brought you  
8 here today, has anyone accused you of fabricating  
9 a written report?

10 A No.

11 Q Has anyone accused you of omitting  
12 important details from a written report?

13 A No.

14 Q Mr. Schultz, I want to ask you about what  
15 kind of training you've received about racial bias  
16 at Precinct 1.

17 Did you receive training at Precinct 1  
18 about racial bias?

19 A I don't believe I did at Precinct 1.

20 Q You didn't receive any training about  
21 racial bias during the entire time you were  
22 employed by Precinct 1?

23 A Not by Precinct 1.

24 Q Did you receive training about racial bias  
25 from another entity while you were employed by

1 Precinct 1?

2 A We don't call it "racial bias." We call  
3 it "racial profiling." It's something that we  
4 have to take courses in and cultural diversity,  
5 and I did take those courses.

6 Q I see.

7 About how many hours were those  
8 courses?

9 A Oh, I don't recall. 24 hours maybe. I  
10 know one of the classes is 8 hours, and I think  
11 the other one is 16.

12 Q Who put on the racial bias trainings?

13 A It was TCOLE training.

14 Q How often were you required to take racial  
15 profile training by TCOLE?

16 A I want to say it's every cycle now. I'm  
17 not -- I'm not positive.

18 Q What's a "cycle"?

19 A Every two years.

20 Q Have you ever received any training on  
21 implicit bias?

22 A I don't even know what that is.

23 Q Are you aware, Mr. Schultz, that K-9s were  
24 used to catch runaway slaves during emancipation?

25 A I am not aware of that.

1 Q Did you become aware of that after we  
2 filed this lawsuit?

3 A Did I become aware of the -- yeah. The  
4 information you-all provided us? Yes.

5 Q Did you do any additional reading --

6 A No.

7 Q -- on that history?

8 A No.

9 Q Are you aware that K-9s were used against  
10 prisoners in Nazi Germany?

11 MS. VINSON: I'm going to object to  
12 this line of questioning that assumes  
13 facts not in evidence and testimony not in  
14 evidence.

15 THE WITNESS: Does that mean I  
16 still answer?

17 MS. VINSON: You can answer.

18 THE WITNESS: Oh, my answer is no.

19 BY MS. LaVARCO:

20 Q Have you read anything about the use of  
21 K-9s in Nazi Germany?

22 A No.

23 Q What does the phrase "Black Lives Matter"  
24 mean, Mr. Schultz?

25 MS. VINSON: Object to form.

1 THE WITNESS: It just means that  
2 people of -- the minorities are saying  
3 that their lives matter as much as anybody  
4 else's, and I agree. Everybody's lives  
5 matter.

6 BY MS. LaVARCO:

7 Q What does the phrase "all lives matter"  
8 mean to you?

9 MS. VINSON: Object to form.

10 THE WITNESS: It means exactly  
11 that. All lives matter.

12 BY MS. LaVARCO:

13 Q When someone says "Black Lives Matter," do  
14 you ever feel threatened?

15 A No.

16 Q When someone says "all lives matter," do  
17 you ever feel threatened?

18 A No.

19 Q Is it common to refer to adult men as  
20 "boy" in the law enforcement context?

21 MS. VINSON: Object to form; calls  
22 for speculation.

23 THE WITNESS: I have no idea.

24 BY MS. LaVARCO:

25 Q Have you heard fellow officers in the law

1 enforcement context refer to adult men as "boy"?

2 A I have not.

3 Q To your knowledge, did Precinct 1 deputies  
4 receive all of their training in-house?

5 A They do not.

6 MS. VINSON: Object to form.

7 THE WITNESS: Sorry.

8 They do not.

9 BY MS. LaVARCO:

10 Q Apart from TCOLE, where else did  
11 Precinct 1 deputies receive training from?

12 MS. VINSON: Object to form.

13 THE WITNESS: I don't know where  
14 they go, but they don't have to get  
15 training just in-house.

16 BY MS. LaVARCO:

17 Q Where else did you receive training from,  
18 apart from TCOLE, when you were employed with  
19 Precinct 1?

20 A Harris County Sheriff's Office and  
21 Precinct 1. Those are the main places. And  
22 TCOLE.

23 Q Anywhere else?

24 A Not while I was at Precinct 1.

25 Q What about when you were at other



1 precincts of the constable's office?

2 A Yes.

3 Q Where else?

4 A Sam Houston State University, Texas A&M  
5 University, Texas Woman's University.

6 Q Was there a particular program in any of  
7 those universities where you received training?

8 A No. It was just leadership stuff I was  
9 taking.

10 Q Was that for a particular program or  
11 certificate?

12 A No.

13 Q Why did you decide to take that training?

14 A You said was it for a particular program?

15 Q Uh-huh.

16 A Yes. It was called LEMIT. It's the Law  
17 Enforcement Management Institute of Texas.

18 Q And what did that training entail --

19 A Leadership --

20 Q -- in the law enforcement --

21 A Leadership training.

22 Q What does leadership training in a law  
23 enforcement mean, to your knowledge?

24 A It's learning more the business side  
25 versus the actual law enforcement side. It's

1 actually learning how to do business finance, how  
2 to get into payroll, that sort of thing, and  
3 getting into speaking, what's your -- what's your  
4 qualities and traits are to assist you as a leader  
5 in the community to help bring the community and  
6 law enforcement together as a team.

7 Q And during your law enforcement career, in  
8 total, were there other entities where you  
9 received training from?

10 A No.

11 Q Are you familiar with someone by the name  
12 of Dennis Benigno?

13 A Doesn't ring a bell.

14 Q Tom Rizzo?

15 A No.

16 Q Shawn Pardazi?

17 A No.

18 Q Kenny Williams?

19 A No.

20 Q Scott Kivet?

21 A No.

22 Q Sean Barnette?

23 A I know a Barnett, but I don't think his  
24 first name is Sean.

25 Q Do you know someone named Nick Jerman?

1 A No.

2 Q Tommy Brooks?

3 A No.

4 Q Just a few more.

5 Brad Gilmore?

6 A No.

7 Q Rob Ferreiro?

8 A No.

9 Q Zach Miller?

10 A It sounds like a country band guy. But  
11 no.

12 Q "A country band guy"?

13 A Oh, that's Zac Brown. Sorry. Sorry.

14 Q That's okay.

15 Are you familiar with a police  
16 training company called "Street Cop"?

17 A No.

18 Q What about "New Jersey Criminal  
19 Interdiction"?

20 A No.

21 Q Have you ever attended any law enforcement  
22 training events or conferences in Atlantic City?

23 A No. Sounds fun.

24 Q Are you familiar with the warrior mindset  
25 approach to law enforcement?

1 A No.

2 Q Are you familiar with someone by the name  
3 of Colonel Grossman?

4 A No.

5 Q Have you read any books or magazines about  
6 law enforcement tactics?

7 A No.

8 Q Have you written any publications about  
9 law enforcement?

10 A No.

11 Q Have you ever been accused of misconduct  
12 while employed with any law enforcement agency?

13 A No.

14 Q Have you ever been accused of excessive  
15 force while employed with a law enforcement  
16 agency?

17 A No.

18 Q Have you been accused of fabricating  
19 evidence?

20 A No.

21 Q Has a civilian ever filed a complaint  
22 against you, to your knowledge?

23 A I think I have one incident where -- I  
24 don't think it was formalized. I ran a stop sign  
25 in my patrol car, and the guy complained on me,

1 and I got written up. But I don't think it was  
2 formalized. That's the only thing I can think of,  
3 off the top of my head.

4 I was going to a call, but I should  
5 have stopped. My bad.

6 Q Was a written write-up the only outcome of  
7 that?

8 A No. It wasn't even a written write-up.  
9 It was written counseling. And, yes, that was all  
10 that came of it.

11 Well, and my sergeant told me to stop  
12 running stop signs.

13 Q That sounds fair.

14 Any other times where you've gotten in  
15 trouble at work?

16 A No.

17 Q Have you ever received a verbal reprimand  
18 at work?

19 A Yes.

20 Q When?

21 A I don't know. I don't remember. I just  
22 remember I got one.

23 Never got one in Precinct 1. Never  
24 got one at the sheriff's office. Definitely at  
25 Precinct 4. I think I didn't shave once. And now

1 you notice I don't like to shave, so it stuck with  
2 me. I think I got a verbal reprimand for not  
3 being groomed correctly.

4 Q Were you ever verbally reprimanded for any  
5 other reason?

6 A Not that I can recall.

7 Q Have you ever been accused of harassment?

8 A No.

9 Q Were you ever suspended from a law  
10 enforcement job?

11 A No.

12 Q When working security, have you ever had  
13 to get physical?

14 A Security? I've never been a security  
15 officer.

16 Q I might be remembering the instances --  
17 your moonlighting gigs. I'm mischaracterizing  
18 those --

19 A Oh, oh, oh.

20 Q -- as security. Were they not security  
21 jobs?

22 A They were -- we're still police officers,  
23 but -- yeah. I see where you're going with that.

24 I don't -- honestly, I don't like to  
25 work when I'm working that kind of stuff. So, no,

1 I can't recall a time where I've gotten physical  
2 with anybody. And I worked a place that probably  
3 could have got physical with that nightclub, but  
4 it never happened.

5 Q Have you ever had a work performance  
6 review cite poor or inadequate performance?

7 A So I had a review one time when I went to  
8 the sheriff's office from a sergeant that was new.  
9 He didn't know me yet, and he gave me a 21 out of  
10 30, which is low for me. But everyone after that  
11 was 28s and 30s, so --

12 Q Any other -- oh, sorry. Go ahead.

13 A That's the only time I can remember having  
14 a low score.

15 Q What about in the narrative portions of  
16 your performance review? Have you had any listed  
17 areas for improvement or something to that effect?

18 A I don't -- I don't believe so. That big  
19 thing of stuff you-all got says how awesome I was.

20 Q Have you ever been demoted?

21 A No.

22 Q Have your duties ever been changed because  
23 of allegations of misconduct?

24 A Never.

25 Q Have you ever been put on desk duty?

1 A No. Not as a punishment, no.

2 Q Have you ever been put on probation?

3 A No.

4 Q Administrative leave?

5 A No.

6 Q Have you ever been involved in an internal  
7 affairs investigation?

8 A Yes.

9 Q When was that?

10 A Well, the one at Precinct 1 was  
11 May of '23, and then the -- I had one at the  
12 sheriff's office -- it was in '17 -- I can't  
13 remember what month. November of '17, I think.

14 Q So the one at Precinct 1 in '23, what was  
15 that for?

16 A That was for a lie that they did saying  
17 that I had a GPS jammer plugged into my patrol  
18 car.

19 Q And what actually happened?

20 A I had a GPS jammer in the back of my  
21 patrol car.

22 Q Why do you think they lied?

23 A I have no idea.

24 Q Would you ever have your GPS jammer  
25 plugged into your patrol car?



1 A No.

2 Q Why did you have it in your car in the  
3 first place?

4 A There's a bunch of stuff I had from a  
5 previous agency.

6 Q Were you worried about your wife tracking  
7 you?

8 A Why would I worry about that?

9 Q Did you ever plug in your GPS jammer while  
10 you were working for any other agency?

11 A Yes.

12 Q Did you ever plug it into your patrol car  
13 while you were working for another agency?

14 A Yes.

15 Q What agency was that?

16 A The Harris County Sheriff's Office.

17 Q Why did you plug it in there then?

18 A To mask my speed.

19 Q Did it work?

20 A Yup.

21 Q Were you ever found out for it?

22 A Was I ever what?

23 Q Found out for it at the Harris County  
24 Sheriff's Office.

25 A Well, my supervisor knew about it, so yup.

1 Q Were you disciplined for it?

2 A Nope.

3 Q Why did you want to mask your speed?

4 A I was heading to events that needed my  
5 attention quickly when I was with special response  
6 group, and we didn't want the cameras going off.

7 Q Which cameras?

8 A The dash cams.

9 Q So you were authorized to use this GPS  
10 jammer?

11 A Authorized by who?

12 Q Were you authorized by your supervisor to  
13 use the GPS jammer at the Harris County Sheriff's  
14 Office?

15 A Let's just say it was a policy violation  
16 doing what I was doing, but I was given it by a  
17 supervisor to do it.

18 Q Your supervisor instructed you to use --  
19 do it even though it was a policy violation?

20 A Something like that.

21 Q What do you mean by "something like that"?

22 A Well, it's exactly that. You know exactly  
23 what I'm saying.

24 Q I think I know what you're saying, but I  
25 need to have it for the record.

1 A Okay.

2 Q So I hope you --

3 A Ask me the question and I'll give you the  
4 answer.

5 Q So it was a violation of Harris County  
6 Sheriff's Office policy to use a GPS jammer, but  
7 your supervisor instructed you to do it anyway?

8 A The supervisor didn't instruct me to do  
9 it. The supervisor provided me with the tool, and  
10 I used it. The supervisor had no play in what I  
11 was doing.

12 Q Who was the supervisor?

13 A I'm not going to give that information  
14 out.

15 Q You have to answer the question.

16 A Huh-uh.

17 Q The supervisor knew you were using it?

18 A I never told him I used it.

19 Q Didn't you say earlier that he knew you  
20 were using it?

21 A He knew I possessed it and he knew why he  
22 gave it to me to use it, but I never told him I  
23 used it.

24 Q So he knew you possessed it, and he knew  
25 that he gave it to you to use it to mask your

1 speed even though he knew it was a violation of  
2 policy; is that correct?

3 A Yes.

4 Q Are there any other law enforcement  
5 agencies or instances in which you've used your  
6 GPS jammer on duty?

7 A No.

8 Q Why did you stop using your GPS jammer  
9 when you got to Precinct 1?

10 A I wasn't assigned to a unit where I needed  
11 it, and I wish I wouldn't have used it where I  
12 did.

13 MS. LaVARCO: Cassidy, I'm going to  
14 ask you to enter an exhibit if you go to  
15 where my cursor is.

16 Cassidy is our paralegal,  
17 Mr. Schultz.

18 THE WITNESS: Okeydoke.

19 MS. LaVARCO: I think she's wearing  
20 glasses today, but she's not on camera.

21 THE WITNESS: She's not one of the  
22 cool ones.

23 MS. VINSON: Sorry. What are we  
24 doing? We're waiting on an exhibit.

25 MS. LaVARCO: Yeah, that's right.

1 BY MS. LaVARCO:

2 Q But while we're waiting on that,  
3 Mr. Schultz, the IAD investigation at Precinct 1,  
4 did you feel that it was a fair investigation?

5 A No.

6 Q Who did you feel like was responsible for  
7 lying about you?

8 A I can't remember his name, but he was one  
9 of the technicians.

10 Q Were you surprised that it was recommended  
11 you be terminated?

12 A Yes.

13 Q Why were you surprised?

14 A I didn't -- well, because I took a  
15 polygraph and passed the polygraph that I was  
16 telling the truth, and they still -- well, they  
17 didn't terminate me. They allowed me to resign,  
18 but they still had me go away.

19 What are we looking at? Half of a  
20 document?

21 Q There we go. There's the other half.

22 A Okay.

23 MS. LaVARCO: So, Cassidy, can you  
24 control-F for the word "wife"? I think  
25 it's on Page 20 of the PDF.

1 Can you Zoom in a bit?

2 THE WITNESS: I see it. I did say  
3 that.

4 So ask me your question.

5 BY MS. LaVARCO:

6 Q So it says here that: "Deputy Schultz  
7 stated the reason he was -- he has the device is  
8 that he and his wife had been causing trouble --  
9 or had been having trouble. She had been tracking  
10 him through the Life360 and causing problems.  
11 Deputy Schultz stated that he had had the device  
12 for at least five or six years, and while it has  
13 been in and out of the vehicles he has been  
14 assigned to many times, it had never been plugged  
15 into any port or any county-issued vehicle while  
16 at Precinct 1."

17 A Correct.

18 Q Do you remember saying that to the IAD  
19 investigator?

20 A Absolutely.

21 Q And do you recognize this as the IAD --

22 A I do.

23 Q -- file from that investigation?

24 A I do.

25 MS. LaVARCO: I'm going to have

1 Cassidy mark this as -- I think we're at  
2 Exhibit 6. These were continuing the  
3 exhibits from Mr. Bruss' deposition.

4 (Schultz Exhibit 6 marked.)

5 BY MS. LaVARCO:

6 Q And can you tell me more about why you  
7 used the device to block your wife from tracking  
8 you?

9 A I was just using it in my personal car so  
10 she couldn't track my apps at the time.

11 Q What apps was she trying to track?

12 A That 360 app.

13 Q So you transferred the GPS jammer between  
14 your personal car and between your patrol car?

15 A Uh-huh. I had a go-bag that went in and  
16 out of my front seat of my patrol car into my  
17 front seat of my personal car.

18 Q Got it.

19 And I believe in this file it also  
20 refers to an iPhone that you had in the back of  
21 your patrol car.

22 Do you recall that?

23 A I do.

24 Q Who was the iPhone for?

25 A It was for me. It was a gift from my wife

1 to me.

2 Q Did you say you hadn't used an iPhone  
3 before?

4 A Yeah. I still haven't, except my work  
5 one. That phone has never been activated. It is  
6 in a closet at our house right now.

7 Q "That phone," you mean the one your wife  
8 gifted you that was in your patrol car?

9 A Yes.

10 Q And then you said "except your work one."  
11 Do you mean you used an iPhone for work?

12 A The work phone I told you about earlier is  
13 an iPhone.

14 Q The work phone for your current job is an  
15 iPhone?

16 A Yes.

17 Q Got it.

18 Do you use that phone for personal  
19 business sometimes?

20 A No.

21 Q Does your wife ever call you on that  
22 phone?

23 A No.

24 Q Does anyone else from your personal life  
25 ever call you on that phone?



1 A My mother has it for emergency purposes.

2 MS. LaVARCO: Okay, Cassidy. You  
3 can go ahead and take that down. Thank  
4 you.

5 Okay. Cassidy, can you open up the  
6 exhibit I'm about to link for you as well?  
7 I think this will be Exhibit 7.

8 (Schultz Exhibit 7 marked.)

9 MS. LaVARCO: Becky, while we're  
10 waiting on that, can you give us our  
11 running time on the record?

12 THE REPORTER: Yes. We're at  
13 3 hours, 37 minutes.

14 MS. LaVARCO: Thank you.

15 Can you scroll to the top, Cassidy?

16 BY MS. LaVARCO:

17 Q We're entering this as an exhibit. We  
18 understand it to be your application, Mr. Schultz,  
19 to work at Precinct 1 of the Harris County  
20 Constable's Office.

21 Do you recognize this document as  
22 such?

23 A I do.

24 Q And on this application, when asked if  
25 you've ever been named in an IAD investigation,

1 you wrote: "IAD investigation alleging  
2 inappropriate conduct while teaching a class at  
3 HCSO. Complaint unfounded."

4 A Yes.

5 MS. VINSON: Can you show me where  
6 you're --

7 THE WITNESS: It's all the way at  
8 the bottom of the slide.

9 MS. LaVARCO: Yes.

10 MS. VINSON: Oh, we cannot -- I  
11 don't think we can see that.

12 THE WITNESS: There.

13 MS. VINSON: Oh, there it is.

14 Okay.

15 MS. LaVARCO: No worries.

16 BY MS. LaVARCO:

17 Q Is that what that says?

18 A Uh-huh. It is, yes.

19 Q When did that incident take place?

20 A That was the one I told you about in  
21 November of '17.

22 Q And what was the allegation?

23 A The constable of Precinct 4 alleged that I  
24 spoke ill of him in an open forum during a class  
25 that I was teaching at the Harris County Sheriff's

1 Academy.

2 Q Did you speak ill of him in an open forum?

3 A I didn't -- no, ma'am, I did not.

4 Q Why did he accuse you of that?

5 A Because -- I don't know. Someone in there  
6 said I did, I guess. I have no idea.

7 Q Did he twist something you actually said?

8 A No. I don't believe so at all.

9 Q What specifically did they say you said?

10 A I don't recall.

11 Q Do you know who submitted the complaint?

12 A I do not. It was an anonymous complaint.

13 Q What class were you teaching?

14 A Oh, Superion, which is the computer-aided  
15 dispatching system that does report entry for all  
16 of Harris County.

17 Q Did they do a full internal affairs  
18 investigation for this complaint?

19 A They did. 100 percent.

20 Q Who interviewed you for that  
21 investigation?

22 A Oh, I don't remember his name. A bald  
23 guy. Oh, goodness. It's been a minute. I can't  
24 remember his name.

25 Q How long did the investigation last before

1 they deemed it unfounded?

2 A About a week.

3 Q And on what basis was it found to be  
4 unfounded?

5 A Well, they interviewed every single person  
6 in that -- in both the classes I taught, and not  
7 one person said I said anything derogatory or  
8 inappropriate about the constable at Precinct 4.

9 Q Did it affect your relationship with the  
10 constable at Precinct 4?

11 A My relationship was not a relationship  
12 with the constable at Precinct 4. I don't know  
13 why he did it.

14 Q I'm sorry. Can you explain what you mean?

15 A My answer is no.

16 Q It didn't affect your relationship with  
17 the constable --

18 A It didn't.

19 Q -- at Precinct 4?

20 A No, ma'am.

21 Q Were you required to complete any  
22 additional training as a result of the complaint?

23 A No. It was unfounded.

24 Q Were you ever a part of any other IAD  
25 investigation?

1 A No.

2 Q Not at any law enforcement agency?

3 A Not that I can recall, no.

4 MS. LaVARCO: Okay. Cassidy, you  
5 can pull the exhibit down.

6 BY MS. LaVARCO:

7 Q Mr. Schultz, what's your relationship like  
8 with Eric Bruss?

9 A We were okay. When we were on the same  
10 shift together, we were friends. But since I went  
11 to nights and he was on evenings, I haven't --  
12 Eric and I really don't talk that much. In fact,  
13 since this happened, we don't talk at all.

14 Q I apologize. I realize, per the previous  
15 line of questioning, I neglected to name the  
16 exhibit number.

17 MS. LaVARCO: Cassidy, can you let  
18 me know what exhibit number that was for  
19 the IAD complaint? No, not -- sorry. Not  
20 for the IAD complaint. For Mr. Schultz's  
21 application to Precinct 1.

22 THE WITNESS: That was 7.

23 MS. LaVARCO: Is that right,  
24 Cassidy, it was 7? I know I said 7.

25 MS. KRISTAL-COHEN: It is, yes.

1 MS. LaVARCO: I just don't know  
2 whether I got it right.

3 THE WITNESS: I was paying  
4 attention.

5 MS. KRISTAL-COHEN: Yes.  
6 Exhibit 7.

7 MS. LaVARCO: Okay. Thank you.

8 BY MS. LaVARCO:

9 Q And I'm sorry. You said you and Eric  
10 Bruss used to talk more before this lawsuit was  
11 filed?

12 A When we were on the shift together, yeah.  
13 We'd eat lunch together and stuff. But ever since  
14 this was filed, I just haven't talked to him.

15 Q Why not?

16 A No reason to. I don't work there anymore.

17 Q Were you friends when you were at  
18 Precinct 1 with Eric Bruss?

19 A I'd consider him a friend.

20 Q You didn't want to keep up the friendship  
21 after you left Precinct 1?

22 A Just right now, with all this stuff going  
23 on, I just have no desire to have any friends  
24 outside of my family.

25 Q By "all this stuff going on," do you mean

1 this lawsuit?

2 A Absolutely this lawsuit.

3 Q Is there anything else going on that makes  
4 you not want to have contact with friends and  
5 people outside of your family?

6 A No. I like my family a lot.

7 Q How long did you and Eric Bruss know each  
8 other?

9 A I mean, we still know each other. So --  
10 September of '20, I was on shift with him. So  
11 from then to now.

12 Q How often would you work together while  
13 you were at Precinct 1?

14 A Probably about four months.

15 Q Oh, sorry. I meant how often did you work  
16 with him. Did you work with him on a daily basis?  
17 A weekly basis?

18 A Yeah. We were on the same schedule. We  
19 had the same days off, so we worked together a  
20 lot.

21 Q So you were often deployed to the same  
22 scenes together?

23 A Often, yes.

24 Q When was the last time you saw Mr. Bruss?

25 A At the depo you-all had for him the other

1 day.

2 Q And what about before that?

3 A I hadn't seen Eric since July maybe.

4 Q In what context did you see Mr. Bruss in  
5 July of last year?

6 A In passing. He was coming off evenings, I  
7 was going on nights. Shook hands. "How you  
8 doing, buddy" kind of stuff.

9 Q When was the last time you spoke with  
10 Mr. Bruss?

11 A Tues- -- when we had the deposition the  
12 other day.

13 Q And what about before that?

14 A Same. I thought I just answered these two  
15 questions. Am I having déjà vu?

16 Q I don't think so.

17 A Oh, okay. I'm just making sure. It might  
18 have been the fajitas.

19 Q I'd like to enter another exhibit which  
20 are a series of text messages that you and  
21 Mr. Bruss produced in discovery.

22 A Okay.

23 MS. LaVARCO: Cassidy, can you go  
24 ahead and share this and also let us know  
25 what exhibit number you're marking it as?



1 MS. KRISTAL-COHEN: This will be  
2 marked as Exhibit 8.

3 MS. LaVARCO: Thank you.  
4 Can you-all see that okay?

5 THE WITNESS: Yup.

6 (Schultz Exhibit 8 marked.)

7 BY MS. LaVARCO:

8 Q Do these appear to be the text messages  
9 between you and Mr. Bruss?

10 A Yes.

11 Q So at the beginning of this exchange, you  
12 say: "I don't really feel like talking, bro."

13 A Yeah. He must have called me.

14 Q Was that --

15 A He must have called me and I texted him,  
16 "I don't feel like talking."

17 Q I see.

18 Did other text messages precede that  
19 one?

20 A No.

21 Q Was that the first time that Mr. Bruss  
22 texted you?

23 A No. We had texted before.

24 Q Had he texted you about the lawsuit  
25 before?

1       A       There had been a little bit back and  
2       forth, but not very much.

3       Q       Do you know how long after the lawsuit was  
4       filed you had some back-and-forth with Eric Bruss?

5       A       I would assume almost immediately after it  
6       was filed. After we got information that it was  
7       filed.

8       Q       What were you referring to when you said,  
9       quote: "I'm sure you heard by now and it's true."

10      A       That I was let go.

11      Q       That you were let go from Precinct 1?

12      A       Yup.

13               MS. LaVARCO: Cassidy, can you  
14       scroll to the next page?

15               THE WITNESS: Man, my belly. Can  
16       you hear that?

17               MS. LaVARCO: I didn't hear it.

18               THE WITNESS: My belly keeps  
19       (descriptive sound). If you-all hear it,  
20       that's me.

21               MS. LaVARCO: Okay.

22   BY MS. LaVARCO:

23      Q       So then I see that on July 20th, Mr. Bruss  
24       texted you and said: "Just checking on ya,  
25       brother."

1                   Was that the start of that  
2                   communication?

3           A           Yes.

4           Q           Did he try to call you first?

5           A           I don't recall. I don't -- maybe. I  
6           don't think so. I think he just texted me.

7           Q           And in response you said: "Just waiting  
8           for the dust to settle."

9                   What did you mean by that?

10          A           Well, it was -- I was in turmoil with why  
11          I was let go, what was going on, who was calling  
12          who, who was reaching out to the media, who was,  
13          you know, jacking with my life for whatever  
14          reason. Just waiting for all that to stop. I  
15          didn't want any of that to start affecting my  
16          family. I'm a big boy. I can handle it.

17          Q           Understood.

18                   So who was jacking up your life at the  
19          time?

20          A           Oh, just -- I don't know. Still don't.

21          Q           So you said that people were making calls,  
22          talking about you, that sort of thing. Did you  
23          have any suspicions about --

24          A           I had no -- no. I had suspicions that  
25          people were doing it, but no.

1 Q Was there anybody at the precinct that you  
2 didn't get along with?

3 A No. I thought I got along with everybody.  
4 I guess I was wrong, huh?

5 Q So what were your suspicions about who was  
6 talking about you?

7 A Just --

8 MS. VINSON: I'm going to object.  
9 It calls for speculation.

10 MS. LaVARCO: Mr. Schultz said that  
11 he had suspicions.

12 BY MS. LaVARCO:

13 Q Mr. Schultz, you said you had suspicions.  
14 What were those suspicions?

15 A I just suspected someone was out to get  
16 me. I have no idea who it was and I have no idea  
17 why. Because I did nothing wrong.

18 Q And what did you mean when you said you  
19 were waiting for people to leave you alone?

20 A I mean --

21 Q Who wouldn't leave you alone?

22 A Everyone --

23 MS. VINSON: Let me object again,  
24 Shirley. You-all were the ones contacting  
25 the media. That's what he's referring to.

1 So you're --

2 MS. LaVARCO: I --

3 MS. VINSON: You're implying and  
4 trying to elicit that there's somebody out  
5 there that is mad at him or some  
6 wrongdoing, but it was you-all. So this  
7 line of questioning --

8 MS. LaVARCO: Ms. Vinson --

9 MS. VINSON: -- is improper.

10 MS. LaVARCO: -- your suggestive  
11 questioning is extremely improper.

12 Mr. Schultz was --

13 MS. VINSON: Your subjective  
14 questioning is extremely improper.

15 MS. LaVARCO: You are not permitted  
16 to make speaking objections.

17 MS. FRANCIS: You cannot testify.

18 MS. LaVARCO: Yes, you are now  
19 testifying.

20 MS. VINSON: I'm objecting to your  
21 questions about why --

22 MS. LaVARCO: You are entitled to  
23 object to my questions. Unless you're  
24 instructing the witness to answer -- not  
25 to answer because it's a matter of

1 privilege, then he needs to answer my  
2 questions.

3 Your objections will be reserved  
4 for the record. You can litigate later  
5 about whether or not his answers are  
6 responsive.

7 He was suggesting that people at  
8 the precinct were talking about him. He  
9 was suggesting that there were people he  
10 thought were his friends. He did not  
11 refer to me at all. He did not refer to  
12 our conversations with the media at all.  
13 You suggested to him the answer. You're  
14 improperly influencing the witness --

15 MS. VINSON: Okay. You are  
16 improperly stating --

17 MS. LaVARCO: -- and I really wish  
18 that you would stop doing that.

19 MS. VINSON: -- his testimony and  
20 the evidence. That's not what that says.  
21 But okay. You have my objection.

22 MS. LaVARCO: And you have my  
23 objection, and I hope that you will stop  
24 improperly influencing the witness.

25

1 BY MS. LaVARCO:

2 Q Who would not leave you alone,  
3 Mr. Schultz?

4 A Just everybody calling me and checking on  
5 me. And I just didn't want to talk to anybody.

6 Q Who was calling you and checking on you?

7 A Just people -- you know, friends from the  
8 police department.

9 Q From Precinct 1 --

10 A Yes.

11 Q -- of the constable's office?

12 A Yes, ma'am.

13 Q And who are those friends?

14 A Just buddies of mine. I really  
15 wouldn't -- I don't want to get them involved in  
16 this.

17 Q I understand you don't want to get them  
18 involved. But I'm sorry, Mr. Schultz, you do have  
19 to answer the question.

20 A Aaron Venegas was one of the main ones,  
21 and then Madison Sperry called, Alex Palizo  
22 called, Jimmie Cook, a guy named Duke Lechane.

23 There was numbers of others that I  
24 didn't answer.

25 Q Who didn't you answer?

1 A Just -- I don't recall. I don't recall  
2 who they were.

3 Q Did the people you just named call you to  
4 express sympathy?

5 A Yes.

6 Q Did they call you to ask questions about  
7 what happened?

8 A No. Just checking on me.

9 Q What did you mean when you said that you  
10 were waiting for people to "quit being jealous"?

11 A I don't know. I read that, and I've been  
12 trying to think of what I meant when I said that.  
13 Give me a second.

14 Q No problem.

15 A I think there was some speculation what I  
16 was talking about that I was going to -- that the  
17 training lieutenant was going to be leaving, and  
18 there was big rumors that he wanted me to take  
19 over, and I think there was someone that wanted  
20 that slot -- I don't know who that someone was,  
21 but someone that wanted that slot and they were  
22 being jealous and maybe I thought that's where  
23 that was coming from. A lot of the stuff I  
24 thought was merely hypothesis, in my mind.

25 Q Did anyone else suggest that it might have



1 been that someone wanted your spot as lieutenant  
2 or the spot you were going for as lieutenant?

3 A No.

4 Q What made you think that someone wanted  
5 your spot?

6 A I don't know. Just -- I guess when you  
7 walk into a room and you can feel the temperature  
8 different than the last time you were in the room.  
9 Just a feeling I got. One of those gut feelings.

10 Q Who was in the room when you walked in and  
11 you felt the temperature was different?

12 A No, no, no. No, no, no. This is in a  
13 training environment. There was probably, I don't  
14 know, probably 30 or 40 people in there. But  
15 normally when I'd walk in the room, they'd be  
16 like, "Oh, Wayne, what's up," you know, high fives  
17 and stuff, "what's going on," and it just was  
18 nothing. So...

19 Q Was there anyone in particular who you  
20 felt was treating you differently?

21 A No. And I never felt -- and that's the  
22 oddity to this whole thing, is that no one ever  
23 really treated me different, and I never felt like  
24 anyone was treating me, like, with disrespect or  
25 anything. I think it was just a temperature

1 change. It was just -- maybe it was my time. I  
2 don't know.

3 Q Did you feel that it was related to the  
4 GPS-blocking investigation?

5 A I -- yes. Because they had put it out in  
6 a big company email -- or a department-wide email,  
7 and then people found out it was me, and I think  
8 people just looked at me differently because of  
9 the way I held myself there as being one of the  
10 role models, and now here I am looking at a  
11 boo-boo head.

12 Q I see.

13 A Uh-huh.

14 Q Do you think the temperature also changed  
15 in response to this lawsuit?

16 A No. I think the GPS thing had a way worse  
17 deal than this.

18 Q I see.

19 What "news deal" was Bruss referring  
20 to? And we may have -- oh, no. It's at the  
21 bottom of this page that we're looking at.

22 A Let me see. I can't see it. Oh --

23 MS. VINSON: I'm going to object to  
24 speculation.

25 THE WITNESS: People -- I mean, I

1 don't know if it was you. I don't know  
2 who it was. I don't know who said  
3 anything to the news -- to the media. I  
4 left it alone because I didn't want it to  
5 consume me.

6 I heard a -- I heard a deal on  
7 "Candid Camera" once, and it said, "Man,  
8 I'm just not going to let people rent  
9 space in my head." So I'm not going to  
10 let people rent space in my head. If  
11 people want me to look bad, then they're  
12 going to try and make me look bad. It's  
13 up to the other people to judge whether or  
14 not I am that person that they're making  
15 me out to be.

16 But in the response to that, you  
17 know, whoever went talking to the media,  
18 talking trash about whatever they found  
19 out, whether it was accurate or not, they  
20 did it, they posted a story on it, and  
21 here we are.

22 BY MS. LaVARCO:

23 Q Did you also find it irresponsible, like  
24 Bruss did?

25 A I wish -- I don't know if "completely

1 irresponsible and hurtful" is what I would have  
2 used, but I wish there would have been more  
3 fact-finding before people talked to the media.

4 MS. LaVARCO: Can you scroll to the  
5 next page, Cassidy? Thank you.

6 BY MS. LaVARCO:

7 Q So you said, Mr. Schultz: "My new  
8 constable is being extremely supportive and has my  
9 back so far"; is that right?

10 A Yeah. At this text, she did. She changed  
11 her mind, though, because of you-all, I think.

12 Q Did you say "because of you-all, I think"?

13 A I said "because of you-all, I think."

14 Q And how was she supportive initially?

15 A She was super cool. She -- real nice  
16 lady. Super nice lady. Liked my experience.  
17 Liked what I had to bring to the table for that  
18 agency, which was really coming out of a dark age  
19 and coming into a better sense of training and  
20 getting their guys in a better place.

21 And then she said -- hey, you know, I  
22 gave her everything. I told her everything. I  
23 told her about this lawsuit. I told her about  
24 everything. And then all of a sudden, it was  
25 like, "Well, did they ever do an investigation on

1 this?"

2 I said, "No, ma'am." I said, "They  
3 did a use of force thing."

4 Well -- and then all of a sudden, she  
5 let me go. I don't -- to this day, I have no  
6 justification of why she said we were going to  
7 part ways.

8 But in Harris County with the  
9 constable's agencies, it's an at-will employer.  
10 And they really -- especially one week in, she  
11 didn't need to give me a reason. So I tipped my  
12 hat, and I rode off into the sunset.

13 Q And you said that you let her know before  
14 you took the job about this lawsuit, your new  
15 constable?

16 A Absolutely. Yes, ma'am.

17 Q How did you -- how did you let her know?

18 A I told her in person exactly about it --

19 Q Did you put it in your application --

20 A -- that there was a lawsuit. I didn't  
21 tell her particulars about it, but I did -- just  
22 told her that I was being sued in reference to a  
23 use of force at my agency involving a dog bite.

24 Q Did you put it in your --

25 A What she got out of that, I didn't give

1 her any more information than that. If she dug or  
2 talked to Constable Rosen, I don't know what she  
3 did. But she definitely found out more about it  
4 than I gave her.

5 Q How do you know she found out more about  
6 it?

7 A Because she let me go.

8 Q Did you --

9 A I could be wrong. She might not have  
10 found nothing out about it and then just decided  
11 to let me go.

12 Q Did you put this information in your  
13 written application to Precinct 6?

14 A I don't -- I don't believe I did. I'm not  
15 positive. I don't believe I did.

16 Q Would the application have asked you to  
17 disclose whether there were --

18 A No. Not on a personal lawsuit. It would  
19 have come up in maybe an interview, but I was --

20 Q No --

21 A -- when I met with her.

22 Q What did Bruss mean when he said that it  
23 "was not a fair and accurate representation," or  
24 what did you understand him to mean at the time?

25 MS. VINSON: Object to form; calls

1 for speculation.

2 THE WITNESS: I think he knows my  
3 character better than that and knows that  
4 it wasn't an accurate representation of  
5 who I am.

6 BY MS. LaVARCO:

7 Q How do you think Bruss would describe your  
8 character?

9 MS. VINSON: Object to form.

10 THE WITNESS: I think he'd say that  
11 I'm a fair individual and I am full of  
12 integrity and I treat law enforcement as  
13 if I'm the sole person that represents the  
14 badge that interacts with the community.  
15 That's just what we did. It's what I did.

16 MS. LaVARCO: Cassidy, can you  
17 scroll to the next page? Thank you.

18 BY MS. LaVARCO:

19 Q So do you see on Thursday, July 27th, Eric  
20 Bruss reached out to you again and said: "Just  
21 checking on you," because he "saw the latest news  
22 about you resigning from Precinct 6"?

23 A Yeah. I don't think I called him.

24 Q Did you ever return his messages?

25 A I don't think -- I don't think I did. I

1 don't think I did. I might have, but I don't -- I  
2 don't remember talking to him after he sent that.

3 MS. LaVARCO: Could you go to the  
4 next page, Cassidy?

5 BY MS. LaVARCO:

6 Q So in these messages, Mr. Bruss --  
7 Mr. Bruss shared a "Houston Chronicle" article  
8 with you, which gives an update on the lawsuit  
9 that you're here about today, and that article  
10 says: "Harris County Precinct 1 spokesman Jeff  
11 McShan says Bruss and the other officers were  
12 cleared of any wrongdoing after an investigation."

13 Did you read that article?

14 A I tried to. Bruss paraphrased it for me,  
15 because I did call him in reference to this, and I  
16 couldn't get the article to open up. And I have  
17 no idea where it came from. I don't know where  
18 the investigation was. So I don't know why they  
19 would have conducted an investigation post the use  
20 of force ruling. I don't know.

21 Q Did they clear you of any wrongdoing at  
22 the time of the article, to your knowledge?

23 A I wasn't employed there at the time.

24 Q But did they clear you of any wrongdoing?  
25 My understanding is that if there's a complaint



1 against an officer and they no longer work with  
2 the agency, they'll still complete the  
3 investigation.

4 A Well, I -- no one --

5 MS. VINSON: Object to form.

6 THE WITNESS: Yeah, let's just say  
7 no one contacted me and said, "Hey, we  
8 conducted an investigation. You've been  
9 cleared of all wrongdoings."

10 BY MS. LaVARCO:

11 Q Understood.

12 A The only way I got that information was  
13 from Bruss and this article -- and -- well, him  
14 paraphrasing and telling me what it said.

15 Q I see.

16 Bruss also says, when he shares the  
17 article: "At least the department stood up."

18 Do you see that?

19 A Yes.

20 Q Had the department not stood up for you  
21 with respect to this lawsuit beforehand?

22 A I don't know --

23 MS. VINSON: Object to form.

24 THE WITNESS: Yeah, I don't know  
25 where that's coming from. Yeah, they were

1 behind us from the get-go, from the jump.

2 BY MS. LaVARCO:

3 Q How do you know --

4 A And even though I'm not there, they still  
5 are.

6 Q How did you know they were behind you?

7 A At what point?

8 Q When the lawsuit was filed and in the  
9 months afterwards.

10 A Well, they just said that they were going  
11 to get with the county attorney's office and have  
12 representation for us.

13 Q Did they tell you that they had your back?

14 A I don't know if they ever said that they  
15 had our back, but I think they said they were  
16 going to get us the help that we needed for the  
17 lawsuit.

18 Q Did they tell you that in an email? On  
19 the phone?

20 A I think I received that from Chief  
21 Harrison. It might have been from Shaw. I know  
22 one of them called me and talked to me for a  
23 minute and said that they were going to have --  
24 they were sending it to the county attorney's  
25 office and that they were going to represent us.

1 Q Did they say anything to you about whether  
2 they thought the allegations were fair?

3 A No. We didn't talk about it. We didn't  
4 discuss it.

5 MS. VINSON: Counsel, I'm going to  
6 need to take a break soon.

7 MS. LaVARCO: Okay. We'll finish  
8 up the -- this exhibit and then we can  
9 take a break.

10 Can you go to the next page,  
11 Cassidy?

12 BY MS. LaVARCO:

13 Q So it looks like on August 8th,  
14 Mr. Schultz, you texted Mr. Bruss: "Any word on  
15 our case"; is that right?

16 A Uh-huh. Yes.

17 Q Did you not communicate with Ms. Vinson  
18 directly about the lawsuit?

19 A Yeah. We have talked.

20 MS. VINSON: Object -- it's an  
21 inappropriate question.

22 BY MS. LaVARCO:

23 Q Did Bruss typically relay messages from  
24 Ms. Vinson to you about the lawsuit?

25 A No.

1 Q Did he ever relay messages to you from  
2 your lawyers about the lawsuit?

3 A Yeah. We had talked about stuff.

4 Q By that, do you mean your lawyers would  
5 tell Mr. Bruss something and then Mr. Bruss would  
6 tell you?

7 A No. He would just say that he talked to  
8 Celena, and then I would talk to --

9 MS. VINSON: Okay. Just -- caution  
10 you, do not say anything about our  
11 conversations.

12 THE WITNESS: Right.

13 MS. VINSON: Okay?

14 THE WITNESS: Right.

15 BY MS. LaVARCO:

16 Q I am only asking about your conversations  
17 with Mr. Bruss.

18 A Okay.

19 MS. VINSON: But if they include  
20 what I said, don't testify about it.

21 THE WITNESS: Oh, okay.

22 BY MS. LaVARCO:

23 Q Okay. So as I understand it, Mr. Bruss  
24 would contact you and tell you about -- without  
25 saying anything about the substance -- his

1 conversations with Ms. Vinson; is that right?

2 A No.

3 Q So what would he tell you? Why would you  
4 ask each other for updates?

5 A Well, he would just say that he had a  
6 conversation.

7 Q Would he tell you what he spoke to her  
8 about without saying what he spoke to her about?

9 A I don't recall us having big-depth  
10 conversations about it.

11 MS. LaVARCO: Sorry. I need to  
12 address the court reporter briefly.

13 Becky, when Ms. Vinson was speaking  
14 to Mr. Schultz about whether or not this  
15 was a matter of privilege, were you able  
16 to hear what she said? She was  
17 whispering.

18 (Court reporter discussion off the  
19 record.)

20 MS. LaVARCO: Okay. Going forward,  
21 Ms. Vinson, can you speak up when you're  
22 going to be speaking on the record?

23 MS. VINSON: Sure.

24 MS. LaVARCO: Thanks.

25

1 BY MS. LaVARCO:

2 Q Do you ever copy other people on emails to  
3 your attorneys other than Mr. Bruss?

4 A I don't believe so, no.

5 Q When you've met or spoken with any of your  
6 attorneys in the past, was anyone other than  
7 Mr. Bruss there?

8 A No. Just my attorneys.

9 MS. LaVARCO: Okay. Can you scroll  
10 to the next page, Cassidy?

11 BY MS. LaVARCO:

12 Q So do you see that Mr. Bruss was telling  
13 you about a conversation he had with an internal  
14 affairs investigator and you said: "Well, that's  
15 great. They need to let shit go."

16 Is that right?

17 A Yes. I mean --

18 Q Who is "they"?

19 A -- I typed that.

20 Probably the department at that time  
21 for my stuff -- I don't know. Hang on. I'm  
22 reading this other text.

23 Q Okay. Take your time.

24 A Thank you.

25 I was probably talking about letting

1 this lawsuit go.

2 Q I see.

3 And then on August 10th, do you see  
4 you said: "I think there may be some fuckery  
5 going on"?

6 A It doesn't sound like me, but that's  
7 definitely my text. So, yeah, I said it.

8 Q What were you referring to?

9 A I don't know. Maybe the stuff going on  
10 with you-all to us or thinking how this could  
11 possibly be something that I'd be involved in when  
12 I felt like I did my job. I don't know.

13 Q Why would you have texted Mr. Bruss out of  
14 the blue? I think this was a couple of days after  
15 the last text message exchange.

16 A August 10th. What was going on  
17 August 10th?

18 I don't know. Can we scroll down?

19 Q Sure.

20 A Oh, of course. There must have been a  
21 phone call there.

22 Q I see. A phone call before or after  
23 "there may have been some fuckery going on"?

24 A Probably after I would have sent that  
25 text, I would have guessed that Eric called me.

1 Q And do you see that -- this is Page 8 of  
2 the exhibit -- and the bottom of the text message,  
3 "I think there may be some fuckery going on," is  
4 sort of cut off.

5 A Uh-huh.

6 Q And then when we scroll to the next page,  
7 Page 9 of the exhibit, we don't see the bottom of  
8 the text message that was cut off, and it just  
9 picks up on a conversation that happened on  
10 August 16th --

11 A Yes. The 16th.

12 Q -- so eight days later.

13 A Okay. I thought it was the 10th to the  
14 16th. But it might have been the 8th.

15 Q Okay.

16 A That's cool.

17 Q Were text messages missing or do they  
18 appear to be missing?

19 A No. No. They don't appear to be missing.

20 Q Would you still have your --

21 A There --

22 Q Sorry. Go ahead.

23 A No. I do not have any of my stuff.

24 Q You don't have what stuff?

25 A You were going to ask me if I still have



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1 my text messages between me and Eric?

2 Q Right.

3 A I do not. No.

4 Q Okay. And you got -- remind me. You got  
5 a new phone, you said, about six months ago?

6 A Uh-huh.

7 Q So you didn't make an effort to preserve  
8 any communications that might come up for this  
9 lawsuit --

10 A I didn't.

11 Q -- when you changed phones?

12 A I did not.

13 Q Did you think to do that?

14 A I did not.

15 Q Were you instructed by your attorney to do  
16 that?

17 A I was not.

18 Q So the next text message on Page 9 of the  
19 exhibit, you're -- you say: "I'm in class.  
20 Everything good."

21 Did Bruss try to call you then?

22 A Must have.

23 Q Was that the start of that text message  
24 exchange?

25 A Uh-huh. Yes.

1 Q Okay. And what class were you in?

2 A I don't recall.

3 Q Would it have been some sort of law  
4 enforcement training class?

5 A Yeah. That's the only classes I normally  
6 take.

7 Oh, no, no, no. Maybe I was at  
8 Vacations To Go. I don't know. I had a little  
9 training class there.

10 Q Have you ever hung out with Mr. Bruss  
11 outside of work?

12 A No.

13 Q Not even when you worked at Precinct 1?

14 A What do you mean?

15 Q When you worked at Precinct 1, did you see  
16 Mr. Bruss outside of work hours?

17 A The only time I knew Eric Bruss was at  
18 Precinct 1. So "no" is still my answer.

19 Q So you didn't see him outside of work  
20 hours? I just want to make sure I understand.

21 MS. VINSON: Asked and answered.

22 BY MS. LaVARCO:

23 Q Can you answer the question?

24 A I worked a side job with him, but I did  
25 not -- nothing outside of being in uniform

1 together.

2 Q What side job did you work with him?

3 A There was an off-road park we worked  
4 called Xtreme Off Road. I think I worked it a  
5 couple times with him.

6 Q Did you work there as a law enforcement  
7 officer?

8 A Uh-huh.

9 MS. VINSON: Say "yes" or "no."

10 THE WITNESS: Yes.

11 BY MS. LaVARCO:

12 Q And what did you do there?

13 A "Security," as you like to call it.

14 Q I'm happy to use the term you like. I  
15 just don't know what it is.

16 A Well, that makes it easy. We'll call it  
17 security.

18 Q Okay. Okay. What would you call it if I  
19 hadn't called it "security"?

20 A I'm going to call it "security."

21 Q Okay. So later on August 16th -- oh,  
22 sorry. Just a moment.

23 How long did you and Mr. Bruss work  
24 together at Xtreme Off Road?

25 A Over a course of two or three months,

1 probably a few times.

2 Q A few times in total, or a few times per  
3 week?

4 A No. In total. In total.

5 Q How many hours on each of those occasions?

6 A I would normally -- he would come in and I  
7 would be leaving. Maybe a couple hours.

8 MS. VINSON: Shirley, we've been  
9 going about an hour and a half. Are you  
10 almost done with this exhibit? I'm going  
11 to have to --

12 MS. LaVARCO: Yeah. We're almost  
13 done with this exhibit. I just want to  
14 get through it. Thank you. I appreciate  
15 it.

16 BY MS. LaVARCO:

17 Q How did you and Mr. Bruss wind up working  
18 there together at Xtreme Off Road?

19 MS. VINSON: This does not have to  
20 do with the exhibit. If you can focus on  
21 that, and then we'll take a break.

22 MS. LaVARCO: That's fine. I'll  
23 ask the question about Xtreme Off Road  
24 when we get back.

25

1 BY MS. LaVARCO:

2 Q So later on August 16th, you say -- where  
3 is this?

4 MS. LaVARCO: Can you go to the  
5 next page, Cassidy? So we're at Page 10.

6 Keep going.

7 BY MS. LaVARCO:

8 Q So this is Page 11 now. At the very  
9 bottom, it says: "Harris County Sheriff's Office  
10 has a deputy down, shot during a traffic stop."

11 Bruss said that to you?

12 A Uh-huh. Yes.

13 Q Why would he update you on that?

14 A I used to patrol District 2 for the  
15 sheriff's office.

16 Q During the time of this text message, you  
17 patrolled District 2 for the sheriff's office?

18 A No, but I -- that was where all my beat  
19 mates were when I was with the sheriff's office.

20 Q And Bruss knew that, so he wanted you  
21 to -- he wanted to let you know in case any of  
22 your beat mates had been injured?

23 A Yes.

24 Q Did you often use text messages to  
25 communicate about work with Mr. Bruss?

1 A On occasion, yes.

2 Q Did you use text messages to communicate  
3 with Mr. Bruss about responding to a scene?

4 A No. We would use -- like, if we were both  
5 going to a scene together?

6 Q Yeah.

7 A No. No. We didn't have time for that.  
8 We would use the radio.

9 Q I see.

10 Did you use any other formal  
11 communications to communicate with him about  
12 responding to a scene together?

13 A Maybe the MDT in the car, the mobile data  
14 terminal.

15 Q I see.

16 MS. VINSON: All right. I'm going  
17 to have to --

18 MS. LaVARCO: Okay. We can -- I  
19 was just going to say, we're good. We can  
20 take a break.

21 MS. VINSON: Okay.

22 THE VIDEOGRAPHER: We are now going  
23 off the record. The time is 2:46 p.m.

24 (Recess from 2:46 p.m. to 2:59 p.m.)

25 THE VIDEOGRAPHER: We are now back

1 on the record. The time is 2:59 p.m.

2 BY MS. LaVARCO:

3 Q Mr. Schultz, earlier you were telling me  
4 that you worked with Eric Bruss while you were at  
5 Precinct 1 at a place called Xtreme Off Road?

6 A Uh-huh. Yes.

7 Q And you said you worked there on a handful  
8 of occasions together?

9 A Yes.

10 Q And how long were each of those shifts?

11 A I might have been there five hours, and  
12 then he was there maybe eight hours, and we maybe  
13 interacted about two hours.

14 Q And how did it come about that you both  
15 came to work there together?

16 A Just -- it was one of the extra jobs that  
17 came up available.

18 Q Did he let you know about the job?

19 A I let him know about it. I was already  
20 working there.

21 Q I see.

22 Did you let anyone else know about the  
23 job opportunity?

24 A No.

25 Q Why did you let Mr. Bruss know?

1 A I was a fill-in. So they already had  
2 plenty of work there.

3 Oh, why did I let Eric?

4 Q Uh-huh.

5 A I think just on shift one day, they were  
6 looking for someone to cover.

7 Q I see.

8 So earlier when I was asking you about  
9 your phone numbers, I was trying to get your work  
10 phone numbers straight from your previous two  
11 phone numbers. You said that your texts and your  
12 contacts transferred when you got a new phone;  
13 right?

14 A Yes.

15 Q So you do have all of your messages on  
16 this new phone?

17 A No. I don't -- I don't keep my  
18 conversations, so I delete my conversations a lot.

19 Q I see.

20 So you have a -- you delete your  
21 conversations with some regularity?

22 A Yes.

23 Q So you deleted text messages with  
24 Mr. Bruss, for example?

25 A Yes.



1 Q Did you delete text messages with  
2 Mr. Bruss before you got a new phone?

3 A I'm sure I did, yes.

4 Q Did you do it manually?

5 A Yes.

6 If you mean from the device itself,  
7 yes.

8 Q Right.

9 A Yes.

10 Q And did you delete conversations with  
11 Mr. Bruss after you got the new phone?

12 A Yes. I don't have any conversations with  
13 myself and Eric on the phone right now.

14 Q I see.

15 So did you lose any messages without  
16 deleting them when you transferred phones?

17 Did you only lose messages because you  
18 deleted them when you changed phone numbers?

19 A Yeah. I didn't lose them. I got rid of  
20 them.

21 Q I see. Okay.

22 Did you keep some messages and not  
23 others?

24 A No. No. I just -- I delete the feed.

25 Q What's "the feed"?

1       A       Like if it says Eric Bruss and then it  
2 will say Aaron Venegas, and then it will say John  
3 Stamos, I'll click each one individually, and  
4 delete it to where it's not -- because I don't  
5 like a whole lot of texts that I got to go  
6 through. That's just me.

7       Q       What --

8       A       That's back to all that social media  
9 stuff. I just don't do it.

10      Q       When did you start that practice?

11      A       Probably when I first started using a cell  
12 phone.

13                   Well, not the -- I used to use that  
14 brick cell phone when it first came out. You-all  
15 probably don't know about those. But ever since  
16 I've had smartphones, I don't keep all my texts.

17      Q       I see.

[REDACTED]

20      A       What do you want --

21                   MS. VINSON: Object to form.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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A horizontal bar chart consisting of 20 black bars. The bars are arranged vertically, one above the other. Their lengths vary significantly, representing a distribution of data. The bars are arranged in a single column, with their lengths varying significantly, ranging from very short to nearly full-width.

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A horizontal bar chart consisting of 20 rows. Each row contains a single black bar of varying length, starting from a vertical line on the left. The bars represent data points, with lengths ranging from approximately 10% to 100% of the chart's width. The bars are arranged in a single column, with each bar starting from a vertical line on the left. The lengths of the bars vary significantly, with some being very long and others very short.

1 Q Are you retired now?

2 A I am retired.

3 Q When did you retire?

4 A In July -- August. I retired in August.

5 Q August 2023?

6 A Uh-huh.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20 Are you indemnified by anybody?

21 A No.

22 Q Were you ever indemnified?

23 A No.

24 Q Are you insured for law enforcement

25 misconduct?



1 A No.

2 Q To your knowledge, does Harris County  
3 insure -- have an insurance policy covering law  
4 enforcement officers?

5 A I don't know.

6 Q Did you ever have any insurance for  
7 misconduct through your union?

8 A No.

9 Q Did you ever have any insurance at all  
10 through your union?

11 A No.

12 Q Sorry.

13 How long did you work alongside Robert  
14 Johnson?

15 A Four months.

16 Q When did you stop working with him?

17 A When I promoted to night shift.

18 Q And after that, you didn't work with him  
19 at all?

20 A No, ma'am.

21 Q How did you first meet him?

22 A I met him when I walked into the patrol  
23 station my first day. He shook my hand, said,  
24 "You're assigned to me."

25 Q What was he like as a supervisor?

1       A       He was -- he was stern, but he was fair.  
2       He liked that I had a lot of knowledge and a lot  
3       of experience, and he used me in a capacity that  
4       helped a lot of the newer deputies on the -- on  
5       the streets.

6               But he was -- he was a -- he was a  
7       working sergeant. He liked to go out and patrol  
8       and answer calls with us and that kind of stuff  
9       instead of sitting in the office.

10      Q       I see. So in that way, he was different  
11      than other sergeants at Precinct 1?

12               MS. VINSON: Object to form.

13               THE WITNESS: I should say he was  
14      different than the other sergeant on that  
15      shift that liked to sit in the office a  
16      lot.

17      BY MS. LaVARCO:

18      Q       Understood.

19               During those four months, how closely  
20      did you work with him?

21      A       Same as Bruss. We were the -- it was a  
22      short -- the shift only had, like, five or six  
23      guys on the north side, so we all -- we all worked  
24      pretty tightly together responding to calls.

25      Q       How many -- how many nights a week?

1       A       He was off -- I want to say he was off  
2       Sunday and Mondays -- or Friday -- I can't  
3       remember. I think I worked with him three days a  
4       week.

5       Q       How frequently would you say you were  
6       deployed to the same scenes as Robert Johnson?

7       A       I would say often.

8       Q       Is that a weekly basis? More than once a  
9       week?

10      A       At least once a week we were on a scene  
11      together.

12      Q       Was he someone that you enjoyed working  
13      with?

14      A       I did enjoy working with him.

15      Q       Why?

16      A       Just a -- I liked to talk to him. He had  
17      good stories. I just wish I knew who he was  
18      outside of who he was. I don't think I'd have got  
19      to know him the way I did.

20      Q       What kind of stories did he have?

21      A       Oh, just stories about when -- he used to  
22      work for the sheriff's office as well before he  
23      went to Precinct 1, and he would talk about  
24      arrests he had made in District 3, which was a  
25      real heavy narcotics area, methamphetamine area.

1 He would just talk a lot about the stuff that he  
2 did when he was with the sheriff's office.

3 Q Was there ever any friction in your  
4 relationship with Robert Johnson?

5 A Never.

6 Q Would you say that he was easy to work  
7 with?

8 A I felt he was easy to work with, yes.

9 Q Were you ever afraid of Robert Johnson?

10 A No. I'm a big dude too.

11 Q Would you say that you looked up to Robert  
12 Johnson during the time you worked together?

13 A I wouldn't say I looked up to him, but I  
14 respected him as a supervisor and as a peer.

15 Q Would you say that you considered Robert  
16 Johnson a role model?

17 A To me? No.

18 Q Did you think Robert Johnson was a role --  
19 a role model for less experienced deputies?

20 A Yes.

21 MS. VINSON: Object to form.

22 THE WITNESS: Yes, I would.

23 BY MS. LaVARCO:

24 Q Did you feel any differently about that  
25 after his death?

1 A Did I feel any differently about people  
2 looking up to him?

3 Q Whether he was a role model -- yeah.

4 A I don't like when people live lies and  
5 present themselves as one way, then you find out  
6 they're another way.

7 So did -- honestly, to answer your  
8 question, no, because I didn't think about how  
9 people thought of him. I thought about what he  
10 did and how it made me feel that I was actually  
11 close to the guy, you know, as far as -- as a work  
12 peer.

13 Q What did he do exactly?

14 A What do you mean?

15 Q You just said you felt differently about  
16 what he did.

17 A Oh, about with the pedophile stuff that he  
18 ended up shooting himself over. I don't know a  
19 whole lot about that. I didn't dig into that  
20 case.

21 Q Had you been on the scene with Mr. Johnson  
22 during a K-9 deployment before the incident  
23 related to this litigation?

24 A Yes.

25 Q How often were you on the scene with

1 Robert Johnson during a K-9 deployment?

2 A Rough, four times. Maybe five.

3 Q And when I say "K-9 deployment," I mean  
4 that the dog was unleashed on a suspect. Is that  
5 also what you mean?

6 A Oh, no. I meant just like -- I used to --  
7 I tracked for him a couple of times. I ran cover  
8 for him. So in other words, I was the guy with  
9 the rifle while he was looking for a bad guy in a  
10 wooded area. I did that a couple of times for  
11 him.

12 As far as him unleashing the dog or  
13 releasing the dog, I can only think of one other  
14 time where he released a dog on a suspect.

15 Q When was that?

16 A I don't recall the dates and times. I  
17 know we were both getting off, and he had a car --  
18 a vehicle that he was chasing on 45 southbound,  
19 and we ended up in a big old chase. I called the  
20 chase. And when it was over with, the guy  
21 wouldn't get out of the truck, and he released the  
22 dog on the driver on that one.

23 Q Did you feel that it was justified to  
24 release the dog on the driver in that  
25 circumstance?

1 A I really don't have enough information to  
2 know if it was justified or not. I was on the  
3 other side of the car covering the passenger side.

4 Q Oh, so you didn't see it happen?

5 A I did not.

6 Q How would you describe Robert Johnson's  
7 temperament?

8 A He had a good temperament. He was jovial.

9 Q Would you say that he had a short fuse?

10 A Describe a "short fuse."

11 Q Was he prone to get agitated or angry more  
12 easily than other people?

13 MS. VINSON: Object to form.

14 THE WITNESS: I never saw it. He  
15 looked like a guy that could, but I never  
16 saw him do it.

17 BY MS. LaVARCO:

18 Q In what way did he look like a guy that  
19 was quick to anger?

20 A He looked like Braun Strowman from WWE.  
21 He's a big, old, like -- you know.

22 Q Who was Robert Johnson close to?

23 MS. VINSON: Object to form.

24 THE WITNESS: Close in what way?

25 Like as work buddies or work partners?

1 BY MS. LaVARCO:

2 Q Yeah. To your knowledge, who was Robert  
3 Johnson close to among colleagues at Precinct 1?

4 MS. VINSON: Objection; form.

5 THE WITNESS: Mike Medina probably  
6 was the closest with him, and that was his  
7 partner sergeant -- they were the two  
8 sergeants that ran evenings.

9 (Discussion off the record.)

10 THE WITNESS: I'm putting in a  
11 mint.

12 BY MS. LaVARCO:

13 Q Okay. Thank you. I appreciate you saying  
14 that for the record.

15 A I want to make sure I can -- yeah.

16 For the record, I am putting in a  
17 mint. It is a Life Saver.

18 Q I do like a good pun.

19 A Yes. Oh, now I'm going to be smacking. I  
20 can feel it already. Sorry.

21 Q You mean smacking your lips. I'll put  
22 that for the record so we don't get to think that  
23 you're planning on smacking anybody here.

24 A Oh, my gosh, Shirley.

25 Q So was Mike Medina also a K-9 handler?



1 A No, ma'am.

2 Q Who else was Robert Johnson close with at  
3 the precinct, to your knowledge?

4 A That was -- that was the main one. He --  
5 when he got off duty, he was gone, and he  
6 was -- you know, he'd come in and use his K-9  
7 time. He didn't really -- I mean, he associated  
8 with me until I went to the other shift.

9 But him and Mike both came from  
10 District 3, from the sheriff's office, so they  
11 were pretty close.

12 Q Apart from you and Mike, he didn't really  
13 associate with other people at the precinct?

14 A No. No. No. He did.

15 MS. VINSON: Object to form; asked  
16 and answered; calls for speculation.

17 BY MS. LaVARCO:

18 Q You can go ahead and answer.

19 A Yes.

20 Q Yes, he wasn't really close to other  
21 people besides Mike and you?

22 A Ask that question --

23 Q I'm sorry. You said "yes." Do you mean  
24 yes, Robert Johnson was not really close to other  
25 people at the precinct besides you and Mike

1 Medina?

2 MS. VINSON: Objection; calls for  
3 speculation; asked and answered.

4 THE WITNESS: And, no, I thought  
5 you had asked -- I'm sorry. I'm trying  
6 not to sneeze.

7 I thought you had asked was he  
8 close to anyone else at the precinct. And  
9 he was close with people. He just  
10 wasn't -- they wasn't going out drinking  
11 beers and hanging out.

12 BY MS. LaVARCO:

13 Q Sure.

14 A And he would eat lunch with us, but he  
15 always brought his own lunch.

16 Q Did he go out drinking beers with Mike  
17 Medina?

18 A I have no idea.

19 MS. VINSON: Objection; calls for  
20 speculation.

21 THE WITNESS: And I still have no  
22 idea.

23 BY MS. LaVARCO:

24 Q Did you go out for beers with Robert  
25 Johnson sometimes?

1 A I did not.

2 Q Were there people at the precinct, to your  
3 knowledge, that Robert Johnson didn't get along  
4 with?

5 MS. VINSON: Objection; calls for  
6 speculation.

7 THE WITNESS: No.

8 BY MS. LaVARCO:

9 Q Based on your observations, did Robert  
10 Johnson appear to have control over his K-9?

11 A Yes.

12 Q Were there instances you observed in which  
13 Robert Johnson didn't have control over his K-9?

14 A No.

15 Q Was Robert Johnson's demeanor on  
16 February 22nd, 2021, his typical demeanor at work?

17 A Yes.

18 MS. VINSON: Object to form.

19 THE WITNESS: Sorry.

20 BY MS. LaVARCO:

21 Q Did you trust Robert Johnson's judgment?

22 A Yes.

23 Q At any point during the time you worked  
24 with Robert Johnson, did you observe any changes  
25 in mood or behavior?

1 A No.

2 Q With respect to the allegations against  
3 Robert Johnson that he sexually abused children,  
4 were there ever any rumors circulating, to your  
5 knowledge, to that effect?

6 A No. Zero.

7 Q To your knowledge, who else was involved  
8 in Robert Johnson's alleged abuse -- sexual abuse  
9 of children?

10 MS. VINSON: Object to form.

11 THE WITNESS: I honestly don't  
12 know.

13 MS. LaVARCO: I'm going to ask  
14 Cassidy to enter another exhibit. And  
15 also let me know which exhibit this is,  
16 Cassidy.

17 MS. KRISTAL-COHEN: This will be  
18 Exhibit 9.

19 MS. LaVARCO: Exhibit 9?

20 MS. KRISTAL-COHEN: Yes.

21 MS. LaVARCO: Thank you.

22 (Schultz Exhibit 9 marked.)

23 BY MS. LaVARCO:

24 Q So this is Exhibit 9, which is an excerpt  
25 of a supervisor responsibility policy from

1 Precinct 1, which was included in your IAD file  
2 for the GPS jammer allegations, Mr. Schultz.

3 Do you recognize this?

4 A Yes, ma'am.

5 Q And do you agree with the way that I've  
6 represented it?

7 A Yes.

8 Q Do you see that it says that: "Precinct 1  
9 supervisors are expected to serve as role models  
10 whose behavior is to be emulated."

11 And then later in the paragraph, it  
12 says: "All supervisors are expected to conduct  
13 themselves in a professional manner while on duty  
14 or while engaged in any other Constable Precinct 1  
15 or law enforcement-related activity"?

16 A Yes.

17 Q Does this accurately describe Robert  
18 Johnson?

19 A The man I knew, yes.

20 Q Does your answer to that question change,  
21 given what you know about the circumstances of his  
22 death?

23 A No.

24 Q Even knowing what you know about the  
25 allegations against him, you would still say that

1 he was a professional?

2 A As conducting himself in a law enforcement  
3 capacity, 100 percent yes.

4 Q So you're not aware of the allegations  
5 that he used his position to commit child sexual  
6 abuse?

7 A I was not aware of that.

8 Q To your knowledge, were other personnel at  
9 Precinct 1 afraid of Robert Johnson?

10 MS. VINSON: Objection; form.

11 THE WITNESS: No.

12 BY MS. LaVARCO:

13 Q To your knowledge, did he have bad blood  
14 with anyone else at the precinct?

15 MS. VINSON: Object to form.

16 THE WITNESS: No.

17 MS. LaVARCO: Okay. We can pull  
18 the exhibit down, Cassidy. Thank you.

19 THE WITNESS: I'm trying to hurry  
20 up my mint.

21 Can you hear that? Oh, my God.

22 You-all didn't hear that one? My stomach.

23 MS. LaVARCO: No.

24 THE WITNESS: Oh, my goodness.

25 MS. LaVARCO: Your stomach is

1 growling?

2 THE WITNESS: Yeah. And I'm not  
3 hungry, so you know what that means.

4 MS. LaVARCO: Let us know if you  
5 want to take a break. We can do that  
6 before this next session as opposed to the  
7 middle of it.

8 THE WITNESS: We're good. We're  
9 good.

10 MS. LaVARCO: You sure?

11 THE WITNESS: Yes, ma'am.

12 MS. LaVARCO: Okay.

13 THE WITNESS: Let's get 'er done.

14 BY MS. LaVARCO:

15 Q Okay. So moving to the allegations  
16 underlying this lawsuit, can you tell me, in your  
17 own words, what happened around 9:15 p.m. on  
18 February 22nd, 2021, from beginning to end?

19 MS. VINSON: Object to form.

20 THE WITNESS: We were dispatched to  
21 a weapons disturbance. I don't have notes  
22 in front of me, so I can't give you the  
23 address or anything, but I know you-all  
24 have that. So I'm going to give you kind  
25 of a "Reader's Digest" version, if that's

1     okay.

2             And we had information that there  
3     was a weapon involved, and there was a  
4     fight that was ensuing in the street.  
5     Responded to that location.

6             Sergeant Johnson -- when I  
7     arrived -- I arrived about four minutes  
8     after Sergeant Johnson was already on  
9     scene, and I had a rookie with me,  
10    Nathaniel Vital was my rookie that was  
11    with me. And he -- I told him to go over  
12    with Corporal Bruss. I went over to the  
13    opposite side with Sergeant Johnson, and I  
14    took up a position -- I let  
15    Sergeant Johnson know that I was behind  
16    him.

17            Sergeant Johnson already had his  
18    dog out. I don't know what he saw that I  
19    didn't see, but in front of me I saw a man  
20    that was prone on the -- if you're inside  
21    the car, he was on the passenger side of  
22    the vehicle on the grassy area. I took a  
23    little bit of a tactical position. I  
24    deployed my Taser -- not deployed it. I  
25    unholstered it and put it kind of in the



1 direction of -- Mr. Thomas, is who I was  
2 dealing with at that time.

3 I believe I heard sergeant -- or  
4 Bruss was doing something on the other  
5 side. And I didn't want to take my eyes  
6 off of Mr. Thomas, so I -- but I could  
7 hear that Bruss was doing something with  
8 the other male.

9 So there was some back-and-forth  
10 between Vital, Tuzun, and Bruss over on  
11 the opposite side of the Tahoe that I was  
12 with with Sergeant Johnson, and they  
13 were -- at the end of the day, what they  
14 were doing was taking Mr. Gray into  
15 custody. Took him into custody -- or  
16 detained him, rather, because at this  
17 point we really didn't know what we had.  
18 We just know that they said, "These were  
19 the guys," and we were going to detain  
20 them until we knew we had no weapons and  
21 no one was going to get hurt.

22 I stayed in that position. I asked  
23 Sergeant Johnson -- I told him I was  
24 there, asked him what he needed, what he  
25 needed me to do. That's when he got Jeck

1 in between him, and started giving  
2 commands, was giving commands.

3 So then I started giving commands  
4 to Thomas, tell him to "get up, do it  
5 now." Because what I wanted to do was  
6 bring him to us. I didn't want to go --  
7 because we hadn't cleared the car yet. So  
8 I didn't know if there was an additional  
9 suspect in the car. I didn't know if he  
10 had weapons on him.

11 So like I said earlier in this  
12 interview -- or in this deposition, I want  
13 to get him out, I want to put their hands  
14 up, I want them to lift their shirt up,  
15 and I want them to turn around, make sure  
16 I don't see anything in the waistband, and  
17 then keep their hands up.

18 This is what I was attempting to  
19 get Mr. Thomas to do. He refused to  
20 comply. Johnson, I believe at that time,  
21 was saying, "If you don't comply we're  
22 going to -- I'm going to release the dog."

23 Jeck was barking. And I know at  
24 one time Mr. Thomas lifted his head up and  
25 looked towards us, and a lot of those

1 times in those instances, they're looking  
2 to flee or they're looking to see if they  
3 have an opportunity, where's their target  
4 if they're going to shoot somebody.

5 So at that time, I'm still on  
6 heightened alert. I trained my Taser  
7 laser on him, and I think there's -- that  
8 was when I talked about there was a part  
9 where I flicked my wrist to make the Taser  
10 longer range. It was in short range.  
11 Because generally if we tase someone,  
12 they're short range.

13 But he was a pretty good mile --  
14 not a mile, but he was a little bit away.  
15 Probably about 20 feet-ish, right at the  
16 end of my range.

17 So that's when Sergeant Johnson  
18 released the -- released Jeck. Jeck went  
19 over and put a bite on him. I kept --  
20 Johnson went up and there was a new  
21 thing -- I didn't -- it was a new thing  
22 that the handler had to take the person  
23 into custody instead of someone else,  
24 because I guess there had been some  
25 transfer bites at other agencies where the

1 dog went from the suspect to another  
2 police officer that was trying to  
3 apprehend the suspect.

4 And I guess they're trained -- this  
5 is merely me just thinking outside the  
6 box, but I think they're trained not to  
7 bite their handler. So he actually got on  
8 top of Mr. Thomas and was able to take him  
9 into custody.

10 I guess, you know, the dog was  
11 still on the bite. He was trying to get  
12 his arms behind his back, and eventually I  
13 think Bruss came over after the other guy  
14 was secured and he cleared the car, to my  
15 knowledge.

16 And eventually, Thomas was -- I  
17 could see that he had injuries. He was in  
18 custody -- or at least detained, had a  
19 pretty good dog bite. I believe -- was it  
20 on his left shoulder, I think, somewhere  
21 in that area. I could see that there was  
22 blood, so I immediately called for a  
23 medical -- for EMS to make the scene for a  
24 dog bite so I could get medical attention  
25 for him.

1 I think at that point, I got with  
2 Vital. I went and got -- I think I went  
3 and got my fingerprint reader because I  
4 wanted to identify the people that were  
5 there. Got with Vital to make sure we  
6 started getting information documented.

7 And then I went over to the -- I  
8 want to say I went over to the homeowner's  
9 garage and he was already talking with  
10 Sergeant Johnson, and that's when I was,  
11 like, "Well, where did we get that there  
12 was a gun? Where did we get that there  
13 was a fight?"

14 And that's when I learned that  
15 there was a fight between -- it was Gray  
16 and Thomas, and it looked like a fight but  
17 it looked like -- I think Gray was trying  
18 to pull Thomas into the car so they could  
19 leave. And that's when they made it sound  
20 like it was a fight and that's the  
21 information they gave to dispatch, that I  
22 later ended up putting in my report.

23 So from there, I got the  
24 information from the homeowner, found out  
25 that it was something to do with a cell

1 phone that they thought was there but  
2 there was a trespassing the night before.  
3 They told him not to come back out on the  
4 property. That's when I learned that the  
5 homeowner was actually the person that had  
6 the weapon, not the suspects that were out  
7 on the street.

8 So I made sure that that weapon was  
9 secure, which I think we had already found  
10 out through dispatch, and -- and then I  
11 went and called the district attorney. At  
12 that point, I knew I had trespass, but I  
13 thought I also had an interfering with the  
14 duties of public servant based on just him  
15 not complying and making us work a little  
16 bit to get him in custody.

17 So I ran it all down to the DA's  
18 office, and I believe they took  
19 criminal -- or criminal trespass on both  
20 individuals.

21 I made sure I needed -- I needed  
22 Thomas to get medical attention, so I made  
23 sure the DA's office was okay with me  
24 doing a 2B warrant on him so he could go  
25 get medical attention, and then I took

1           Gray into custody and processed him.

2       BY MS. LaVARCO:

3           Q           So you said at the beginning that what you  
4       wanted was for Mr. Thomas to stand up, put his  
5       hands up, lift his shirt, and turn around so that  
6       you could make sure that nothing was in his  
7       waistband?

8           A           Yes.

9           Q           Is that what you would have done if you  
10      would have arrived first?

11          A           I don't -- I can't answer that. I don't  
12      know. I don't know what Johnson saw when he got  
13      there. I don't know what his circumstance was  
14      when he arrived, and there was a four-minute  
15      interval between the time he arrived on scene and  
16      had stuff going on versus the time -- compared to  
17      the time I got there.

18          Q           What about if you had arrived and you saw  
19      the same thing that you actually did see, which  
20      was Mr. Thomas prone on the ground?

21          A           That would have been weird if I just saw a  
22      dude --

23                      MS. VINSON: Object to form.

24                      THE WITNESS: Yeah, sorry. Sorry,  
25      sorry, sorry.

1 MS. VINSON: Okay. You need to let  
2 me put my objections on the record --

3 THE WITNESS: Yes, ma'am.

4 MS. VINSON: -- okay, and then  
5 answer the question.

6 THE WITNESS: Okay.

7 MS. VINSON: Give me time. Thank  
8 you.

9 Object to form.

10 BY MS. LaVARCO:

11 Q What about if Mr. Thomas was in the car  
12 when you arrived? What would you have done if you  
13 were the first to arrive?

14 MS. VINSON: Object to form.

15 THE WITNESS: Is he in the driver's  
16 seat or the passenger's seat?

17 BY MS. LaVARCO:

18 Q The passenger's seat?

19 A And he's just sitting there doing nothing?

20 Q Yes.

21 A And I'm still -- I'm still arriving on a  
22 possible weapons disturbance?

23 Q Yes. All of the other circumstances are  
24 the same.

25 A I would have waited for backup. I would



1 have gave some commands from my vehicle. I would  
2 have called him out of the car at gunpoint -- not  
3 at Taser point -- and I would have brought him  
4 back to me with a backup unit to take him into  
5 custody.

6 Q And you would have brought him back to you  
7 in the manner you described where you asked him to  
8 get out of the car, you asked him to put his hands  
9 up, you ask him to lift his shirt so you could  
10 make sure that nothing was in the waistband, and  
11 then have him walk towards you?

12 A I would have him turn around away from me  
13 and walk backwards to my voice.

14 Q Okay. And everything else that I said was  
15 accurate?

16 A Yeah.

17 MS. VINSON: Object to form.

18 THE WITNESS: Yes.

19 BY MS. LaVARCO:

20 Q I can ask it again.

21 A Yeah.

22 Q Just so I'm sure and I don't misstate your  
23 testimony.

24 MS. VINSON: Object to form.

25 Go ahead.

1 BY MS. LaVARCO:

2 Q So if you arrived and Mr. Thomas was  
3 sitting in the passenger's seat and it was a  
4 possible weapons disturbance, you would ask -- you  
5 would order Mr. Thomas to get out of the car, you  
6 would ask him to put his hands up, you would ask  
7 him to lift his shirt and have him turn around so  
8 that you could be sure nothing was in his  
9 waistband, you would ask him to walk backwards  
10 towards you, and then you would take him into  
11 custody; is that right?

12 A Yes.

13 Q Is that essentially what they did with  
14 Mr. Gray on the other side, to your knowledge?

15 A I don't know. I didn't see what they did  
16 on the other side.

17 Q Where did you get information that there  
18 might have been a gun?

19 A From dispatch when they initially put the  
20 call out.

21 Q What specifically did dispatch say?

22 A I don't recall exactly.

23 Q Do you recall the gist of it?

24 A That there was a weapon involved and  
25 someone had a weapon.

1 Q Do you recall who dispatch said had the  
2 weapon?

3 A I do not.

4 Q Did you have any reason to think that it  
5 was Mr. Thomas or Mr. Gray who had the weapon?

6 A Yes.

7 Q What reason did you have to think that?

8 A When they said that they were fighting in  
9 the streets, I didn't know who was fighting at  
10 that time. And even if they were giving me  
11 information that the homeowner had a weapon, I  
12 didn't know whether the suspects had weapons as  
13 well.

14 Q Did anybody ask over dispatch -- did you  
15 hear anyone ask over dispatch whether it was the  
16 suspects or the homeowners who had the weapon?

17 A I seem to recall Bruss -- I want to say  
18 Bruss asked over the air, and they did advise that  
19 the homeowner did have a weapon. But that still  
20 didn't confirm whether or not the suspects had a  
21 weapon also.

22 Q Did you hear anyone ask for confirmation  
23 about whether the suspects had a weapon?

24 A Yes, and the only positive information  
25 they had was that the homeowner did have a weapon.

1 Q So there was no positive information from  
2 dispatch, to your recollection, that the suspects  
3 also had a weapon?

4 A Nope. Just like the other millions of  
5 calls we were on. We don't know until we get  
6 there.

7 Q And by "positive information," you mean  
8 what?

9 A It was confirmed that the homeowner had a  
10 weapon by the homeowner. We hadn't talked to --

11 Q Was there any --

12 A -- the suspects yet.

13 Q I'm sorry. What did you say?

14 A We had not talked to the suspects yet, so  
15 I did not know if they were armed or not.

16 Q Did dispatch suggest to anyone, to your  
17 recollection, that the suspects might have had a  
18 weapon?

19 A It -- to me, the way the call went out, it  
20 was perceived to me that the aggression was on the  
21 suspects' side.

22 Q Meaning that the aggression -- that the  
23 suspects were being aggressive?

24 A Right. Right. Why else would the  
25 homeowner pull a weapon on them?

1 Q Who specifically said that the two,  
2 quote/unquote, suspects were fighting?

3 A The homeowner. The male. I don't  
4 remember his name.

5 Q And did you hear that over dispatch  
6 personally?

7 A No. I heard it over a bodycam after I  
8 reviewed my bodycam. And he had said it on the  
9 scene.

10 Q After the K-9 was unleashed --

11 A Right.

12 Q -- on Mr. Thomas?

13 A Right, right, right.

14 Q But you didn't hear it on the dispatch?

15 A I didn't hear -- that they were fighting?

16 Q Yeah.

17 A No. They did say people were fighting in  
18 the streets over dispatch.

19 Q And you heard that?

20 A Yes.

21 Q Do you remember anything else dispatch  
22 said?

23 A No.

24 Q What's a 2B1?

25 A A 2B warrant. Is that what you asked?

1 Q Oh, is that what it is, a 2B warrant?

2 A Yes. It's a warrant for the arrest of the  
3 individual.

4 Q And you said you asked for a 2B warrant on  
5 Mr. Thomas, but you asked that Mr. Gray be taken  
6 to jail immediately?

7 A I took Mr. Gray to jail immediately. I  
8 didn't have to ask for that.

9 Q And why did you suggest that a warrant  
10 should be placed on Mr. Thomas as opposed to  
11 taking him into custody after he was treated at  
12 the hospital?

13 A I felt like I -- he -- honestly, he had  
14 been bit by a dog, he was coming down from  
15 whatever he was on, and I just felt it was better  
16 for him and his mental well-being to relax, go  
17 home, get stitched up or whatever you were going  
18 to do, and then you know you got a warrant, turn  
19 yourself in at a later date when you're in better  
20 shape.

21 Q So by that point, you didn't feel like he  
22 was a danger to be kept out of custody?

23 A No.

24 Q In your experience at Precinct 1, when  
25 somebody is injured during an apprehension and

1 have to be taken -- and has to be taken to the  
2 hospital, do you typically go for a 2B warrant or  
3 do you typically take them into custody after  
4 they're treated?

5 A Typically go for a 2B warrant.

6 Q To your knowledge, who pays for the  
7 medical treatment if somebody is taken into  
8 custody immediately after being injured?

9 MS. VINSON: Object to form.

10 THE WITNESS: I have no idea.

11 BY MS. LaVARCO:

12 Q To your knowledge, the rookie that was  
13 with you, Nathaniel Vital, did he have his  
14 body-worn camera footage on?

15 A I don't -- I don't -- I can't recall if he  
16 did or not.

17 Q Do you recall what --

18 A I don't remember -- we were getting  
19 cameras issued late to the rookies, and I don't  
20 remember how long he had been with me at that  
21 time.

22 Q Are deputies always required to have their  
23 body-worn camera footage on when they're  
24 responding to a scene?

25 A If they have one, yes.

1 Q But you don't recall whether Vital had  
2 one?

3 A I don't recall if he had one.

4 Q Is that part of a written policy that  
5 deputies, if they had one, should have a -- their  
6 body-worn camera footage on when responding to a  
7 scene?

8 A The policy, I believe, states any time  
9 they're interacting with the public or if there is  
10 a possibility of something escalating, it must be  
11 activated.

12 Q Do you recall the name or number of that  
13 policy?

14 A No, I do not. It would be under  
15 "Body-Worn Camera Policy."

16 So I guess I did recall the name.  
17 Look at me go.

18 Q You said that when you first arrived and  
19 you positioned yourself behind Robert Johnson, you  
20 saw Mr. Thomas prone on the ground; correct?

21 A Yes.

22 Q Could you see his hands?

23 A I believe I could see his right hand. I  
24 don't recall being able to see his left hand just  
25 because of where I was positioned.



1 Q Didn't you say that you were trying to  
2 keep very focused on Mr. Thomas and not pay  
3 attention to what was happening on the other side  
4 of the scene?

5 A I think it was the lighting. But, yes, I  
6 was very focused on only Thomas.

7 Q The lighting conditions were not optimal  
8 to be able to see Mr. Thomas?

9 A The lighting conditions were just not  
10 optimal for that one arm. I had good -- I had  
11 good lighting on the other side.

12 Q Given that this was a weapons disturbance,  
13 did you -- did you try to ascertain whether  
14 Mr. Thomas had anything in his hands upon arrival?

15 A Johnson had a better advantage, and he  
16 hadn't released the dog, and there had been no  
17 shots fired. So I just went off of Johnson's lead  
18 at that point.

19 Q Do you think you could have seen  
20 Mr. Thomas' hands clearly if you had stepped, for  
21 example, a couple of feet to one side?

22 A Yes, but I would have been stepping into  
23 the dog.

24 Q Wasn't the dog positioned in front of you  
25 as opposed to the side?

1 A No. The dog -- well, yes, but I then --  
2 Johnson's tall. I wouldn't have been able to see  
3 over Johnson, and he had his door open.

4 Q Dispatch told you that there were two  
5 suspects on the scene; is that correct?

6 A Yes. Yes.

7 Q Do you recall a description for those  
8 suspects?

9 A Not without looking at notes.

10 Q Did you have a specific reason to think  
11 that there were -- might be someone else in the  
12 car?

13 A Just -- only because we hadn't cleared it,  
14 yes.

15 Q Does your training teach you to assume  
16 that there's always potentially someone else in  
17 the car?

18 A Yes.

19 Q Did you say that Mr. Thomas refused to  
20 comply with orders?

21 A Would I say or did I say?

22 Q Did you say that.

23 A Did I say that? Yes.

24 Q Which orders did he refuse to comply with?

25 A When I was asking him to get up, stand up,

1 get off the ground. All that.

2 Q And just to be clear, all of those are you  
3 repeat -- all of these examples that you just gave  
4 are repeating the same order; right? He was on  
5 the ground in a prone position, and you were  
6 trying to get him to stand up from that prone  
7 position?

8 A Correct.

9 Q Was Johnson also ordering him to get off  
10 the ground?

11 A No. I took him -- I took command of the  
12 commands at that point.

13 Q So Johnson didn't give any orders for  
14 Mr. Thomas to get off the ground?

15 A I -- I don't know what he did prior to me  
16 getting there, but I -- and I don't know what -- I  
17 don't think he did once I started giving commands.

18 I did say if -- I think he said, "If  
19 you don't get up, I'm going to release the dog."  
20 That's the only thing I can remember.

21 Q Are there any other ways that you observed  
22 Mr. Thomas refuse to comply with orders, apart  
23 from not getting off the ground immediately?

24 A No.

25 Q You said something about a new thing -- I

1 think you were referring to a policy -- that the  
2 handler has to be the person to take a dog bite  
3 victim or a suspect apprehended with a K-9 into  
4 custody; is that correct?

5 A I don't know if it's a policy. It was  
6 something that was told to me by Johnson. And  
7 since he was the sergeant over K-9, I believed he  
8 was accurate in that.

9 Q When --

10 A I never saw an actual written policy in  
11 reference to it.

12 Q When did Johnson tell you that?

13 A I don't know if it was like -- I don't  
14 know. It might have been a week before then.

15 Q So did Johnson talk to you about his K-9  
16 duties?

17 A No.

18 Q So how did this new practice -- I won't  
19 call it a policy -- come up, that the handler has  
20 to be the person to take a suspect into custody?

21 A I want to say we took -- there was another  
22 person -- it wasn't a dog bite, but it was a dog  
23 apprehension. And I don't remember -- I think we  
24 were on the scene with the sheriff's office,  
25 actually, and there -- it was their dog handler,

300

1 and that's when he had said after the fact, he  
2 said, "Hey, we now -- we mount our guys and we  
3 take them into custody after we -- if there's a  
4 bite."

5 Q Did he say that directly to you or did he  
6 say that to a group of people he supervised?

7 A It was just me.

8 Q Did you communicate with Robert Johnson by  
9 email for work?

10 A No.

11 Q Did you communicate with him by text  
12 message?

13 A We had texted a few times. Not much.

14 Q Would you talk on the phone sometimes with  
15 Robert Johnson?

16 A Yes.

17 Q How would you describe the scene when you  
18 arrived?

19 A I think I was the last car there. So I  
20 saw vehicles positioned, saw the lights, saw the  
21 car, and I saw Johnson. I would say it looked  
22 like -- I don't want to call it "normal," but it  
23 looked like things were going the way they needed  
24 to go, and we just needed to start, like I said  
25 earlier, peeling the onion apart.

1 Q Can you remind me what you mean by  
2 "peeling the onion apart"?

3 A When we talked about the poop sandwich.

4 Q Okay. How would you describe Robert  
5 Johnson's temperament when you arrived on the  
6 scene?

7 A He seemed -- he seemed normal. He was  
8 trying to get Jeck -- Jeck was spinning around a  
9 little bit, and he wanted to get Jeck in control  
10 to where he -- he had it -- he had Jeck trained on  
11 the suspect, on Thomas.

12 Q What do you mean that "Jeck was spinning  
13 around"?

14 A Sometimes when they get out, if they've  
15 been in the truck a while, they -- they'll spin  
16 around. They want to -- they get excited. The  
17 dogs get excited to work. So whether he's going  
18 to get a ball, whether he's going to get to chase  
19 a bad guy -- or a suspect, rather -- into the  
20 wooded area, whether he's going to get to --  
21 whatever, they get excited and sometimes the  
22 handler has got to calm them down. And I could  
23 tell Johnson had calmed him down.

24 Q Did you see Johnson struggle with Jeck at  
25 all?

1       A       I wouldn't call it "struggle." Jeck was  
2       just a real strong dog, no matter how big Johnson  
3       was. So I think he was just putting him in check  
4       and putting him where he needed to be.

5       Q       So it took a moment or so, but Johnson was  
6       working to control Jeck?

7       A       I think he -- yeah. He got him in between  
8       his legs and where he needed to be pretty quick.

9       Q       Was Jeck still struggling to get away or  
10      to get towards the suspect?

11      A       Once I saw him move Jeck into position, I  
12      couldn't see past the door, so I couldn't see what  
13      was going on from there.

14      Q       What do you mean by "position"?

15      A       And where I -- where I told you, back by  
16      his legs to where he was ready to deploy him if he  
17      needed to.

18      Q       To your knowledge, is that the standard  
19      position, to have a dog ready to -- for  
20      deployment?

21      A       I don't know.

22      Q       Would you say that Mr. Thomas was  
23      resisting apprehension?

24      A       Passively, yes.

25      Q       Would you say that he was resisting

1 apprehension verbally?

2 A He was mumbling some stuff. I can't  
3 recall what it was. So I -- I don't know. I  
4 don't have an answer to that.

5 Q Was Mr. Thomas resisting apprehension  
6 physically in any way?

7 A No.

8 Q Did you personally take any steps to slow  
9 down or stabilize the situation?

10 A When I was giving verbal commands in a  
11 loud, authoritative voice, that was me doing  
12 exactly that.

13 Q Did you see anyone else take steps to slow  
14 down or stabilize the situation?

15 A I was really concentrating on my side of  
16 the car and on Thomas and make -- I don't -- I  
17 don't want to get bit by the dog either, so I want  
18 to make sure I know where the dog is at all times  
19 too.

20 Q What did you hope that your loud,  
21 authoritative verbal commands would achieve?

22 A I would have hoped he would have got up  
23 and been detained so we could have found out what  
24 the situation was. And he might have gone home.  
25 I don't know.



1 Q Could you have asked Robert Johnson to  
2 slow down?

3 A If I felt he was overdoing it, could I  
4 have? Yes.

5 Q Did you feel he was overdoing it?

6 A I did not.

7 Q Could you have told Robert Johnson that it  
8 wasn't necessary to release his K-9 on Mr. Thomas?

9 A No. I don't have that experience. No.

10 Q Did you have the opportunity to tell  
11 Robert Johnson that it wasn't necessary to release  
12 his K-9?

13 A No.

14 Q Did the fact that he was your supervisor  
15 prevent you from telling Robert Johnson to -- that  
16 it wasn't necessary to release his K-9?

17 A No.

18 Q Could you have suggested that Robert  
19 Johnson take other steps to try to de-escalate  
20 before releasing his K-9?

21 A Are you asking could I have suggested?

22 Q Yes.

23 A Is that what you said? No.

24 Q Why couldn't you have suggested he do  
25 that?

1       A       That was his scene, not mine, and he was  
2       the K-9 handler. At that point, I had no reason  
3       to believe he was doing anything he didn't need to  
4       be doing.

5       Q       Could you have suggested that the dog be  
6       used to clear the vehicle first while you kept  
7       your eyes on Mr. Thomas?

8       A       That's not the way we do it. No.

9       Q       After the K-9 was unleashed on Mr. Thomas,  
10      could you have directed Robert Johnson to remove  
11      the dog?

12      A       Could I have?

13      Q       Uh-huh.

14      A       I don't really -- I couldn't -- Robert's a  
15      big guy. I couldn't see what was going on. I was  
16      on the other side of him. I honestly couldn't see  
17      the bite from where I was positioned.

18      Q       Could you have moved to see what was going  
19      on?

20      A       Sure.

21      Q       Why didn't you move to see what was going  
22      on?

23      A       I did, about the time they were getting  
24      him off and Bruss was talking to him at that  
25      point.

1 Q So could you have directed Robert Johnson  
2 to remove his dog at that point?

3 A No.

4 Q Why couldn't you have?

5 A It didn't -- I didn't know what he was  
6 dealing with, and I didn't see anything that was  
7 over the top at that point. So he had complete  
8 control of what was going on. That was his scene,  
9 his dog, his deployment.

10 Q Bruss cleared the car while the dog was  
11 still on Mr. Thomas; correct?

12 A I don't know.

13 Q Could you have called another supervisor  
14 to try to prevent Robert Johnson from unleashing  
15 his dog?

16 A No.

17 Q Did you feel it was appropriate to release  
18 the K-9 at the time that Robert Johnson unleashed  
19 it?

20 A I don't have the knowledge to answer that.

21 Q So you can't say whether or not it was  
22 appropriate?

23 A I cannot.

24 Q What information were you missing to help  
25 you understand whether it was appropriate for

1 Robert Johnson to unleash the K-9 when he did?

2 A I'm not a K-9 handler. I don't know what  
3 he saw. I don't know what his parameters were  
4 that gave him the motivation to release the dog.  
5 I don't know any of that stuff, so...

6 Q Do you think -- do you think that if you  
7 had had training on -- specific to K-9s at  
8 Precinct 1, that that would have been enough  
9 information for you to decide whether it was  
10 appropriate or not for Johnson to release the K-9?

11 MS. VINSON: Object to form.

12 THE WITNESS: I can't answer that.

13 BY MS. LaVARCO:

14 Q Could you have asked or suggested that  
15 Robert Johnson at any point remove the dog from  
16 the bite?

17 A If you're asking could I have, yes,  
18 absolutely I could have.

19 Q And why didn't you?

20 A I had no reason to.

21 Q Because you thought it was appropriate?

22 A I didn't know what was appropriate. I  
23 didn't have a reason to release that dog. It was  
24 not my responsibility.

25 Q You said earlier that you were afraid the

1 dog might attack you; is that right?

2 A I don't know if I used the term "afraid,"  
3 but I see where you're going. Go ahead.

4 Q You said, I think, specifically, something  
5 to the effect of you didn't want to get too close  
6 to the dog because you didn't want the dog to bite  
7 you. Is that --

8 A That might be more of what I would have  
9 said, yes.

10 Q Were you always cautious around K-9s?

11 A Yes.

12 Q Did you have reason to be particularly  
13 cautious around Johnson's K-9?

14 A No. All K-9s -- I respect -- I respect  
15 what they're capable of, and I want them to be  
16 able to work to minimize any kind of damage to  
17 anybody, including the suspect.

18 Q When you are working with K-9 handlers at  
19 Precinct 1, do you feel you have a duty to  
20 intervene in the face of excessive force?

21 A Yes.

22 Q When you're working with K-9 handlers, do  
23 you feel like you have a duty to intervene if you  
24 see a dog deployed against a suspect when it's not  
25 objectively reasonable to use that kind of force?

1       A       I don't have the knowledge to know if it  
2       is objectively reasonable due to me not being a  
3       K-9 handler. I don't know what they see that  
4       allows them to release the dog.

5       Q       You don't have enough information -- or  
6       you didn't have enough information when you were  
7       working with K-9 handlers to understand whether  
8       excessive force was occurring?

9               MS. VINSON: Object to form.

10              THE WITNESS: I don't -- I feel  
11              like I just answered this. I'm not a  
12              K-9 handler. So if they released the  
13              dog -- I mean, if a dog is trying to tear  
14              someone's throat out, I think I would try  
15              and intervene. But if the dog's on an arm  
16              bite for, like, 15 seconds and the handler  
17              is there, I don't know what "excessive" is  
18              when it comes to that.

19      BY MS. LaVARCO:

20       Q       So except in extreme circumstances, when  
21       you're working with a K-9 handler, you didn't feel  
22       you had the information to independently assess  
23       whether or not the K-9 should have been released?

24       A       No.

25              MS. VINSON: Object to form.

1 THE WITNESS: Sorry.

2 BY MS. LaVARCO:

3 Q When you are working with the K-9 handler,  
4 do you feel you can't independently assess whether  
5 the dog should be released?

6 MS. VINSON: Object to form; asked  
7 and answered.

8 THE WITNESS: You're asking me if I  
9 subjectively know if the dog can be  
10 released or not?

11 BY MS. LaVARCO:

12 Q If it's excessive force, whether or not  
13 the dog can be released.

14 MS. VINSON: Objection; asked and  
15 answered.

16 THE WITNESS: Yeah, I don't know  
17 what the "excessive force" is. You'd have  
18 to give me a scenario.

19 BY MS. LaVARCO:

20 Q You've said a few times that you can't  
21 assess whether or not force was excessive in this  
22 circumstance because you weren't trained as a  
23 K-9 handler; is that right?

24 A Yes.

25 Q So you can't speak to whether it's

1 appropriate to release a K-9 on a suspect in all  
2 circumstances; is that correct?

3 MS. VINSON: Object to form; asked  
4 and answered.

5 Shirley, this is maybe the seventh  
6 time you've asked this same question.

7 Let's move on.

8 BY MS. LaVARCO:

9 Q Is that correct, Mr. Schultz?

10 A Yes.

11 Q Were you afraid for your life when you  
12 arrived on the scene?

13 A On a weapons disturbance, you're always  
14 going to have a little bit of the hairs standing  
15 up on the back of your neck, wondering if you're  
16 going to catch a round from someone. So I always  
17 fear for my life when I'm out working.

18 Q When you arrived on the scene and you saw  
19 Mr. Thomas prone on the ground and you understood  
20 that Bruss was in the process of taking Mr. Gray  
21 into custody, did you fear for your life at that  
22 point?

23 A No.

24 Q Was there a specific point after you  
25 arrived during which you feared for your life?



1 A No.

2 Q Did you fear serious bodily harm at any  
3 point?

4 A I don't know how to answer that. I mean,  
5 any situation can turn into the one that ends your  
6 life.

7 Q But you didn't observe anything  
8 specifically that made you fear serious bodily  
9 harm after you arrived on the scene?

10 MS. VINSON: Object to form.

11 THE WITNESS: No. But I didn't  
12 know was there a third party? Was there  
13 someone in the -- you know, in the house  
14 that we didn't know about? Was there  
15 someone behind a tree?

16 So I call it my "spidey senses."  
17 They still tingle until everything is  
18 under control.

19 BY MS. LaVARCO:

20 Q Based on your observations, what made the  
21 situation so urgent that you couldn't wait longer  
22 for Mr. Thomas to get off the ground?

23 A That wasn't my call. That was Johnson's  
24 call.

25 Q Did you see Mr. Johnson -- did you see

1 Robert Johnson straddling Mr. Thomas?

2 A Yes.

3 Q Did you think that that was appropriate?

4 A I had seen him do it before, so I thought  
5 that that was what he did.

6 Q Did you think it was necessary?

7 A To restrict movement and to try and  
8 control the dog at the same time, I really can't  
9 answer that. I mean, it looked like he was doing  
10 what he knew what to do, so...

11 Q Could you have used the K-9 to clear the  
12 vehicle and then approached Mr. Thomas from the  
13 rear?

14 MS. VINSON: Objection; asked and  
15 answered.

16 THE WITNESS: No.

17 BY MS. LaVARCO:

18 Q Why not?

19 A I don't like -- this is one thing I do and  
20 all the guys that were there on the scene are the  
21 same way. I like the known, not the unknown. So  
22 if I bring them to me, the known is now with me,  
23 and now I can go up and clear the car once they're  
24 safely secured in patrol cars.

25 Q Why didn't anyone speak with the

1 homeowners first, to your knowledge, before  
2 Johnson unleashed the dog?

3 MS. VINSON: Object to form.

4 THE WITNESS: The scene wasn't  
5 under control. So we needed to deal with  
6 what was -- at this point, what we thought  
7 the aggression was or what the call was  
8 about was the people that we, at this  
9 time, still thought we had a possible  
10 armed suspect in the street that was just  
11 involved in a fight, to our knowledge,  
12 with the homeowner.

13 We didn't know that -- we later  
14 found out that the fight was between the  
15 two of them and it really wasn't a fight.  
16 It just looked like a fight.

17 So the direction was on the problem  
18 at hand. I knew the homeowners weren't  
19 going to go anywhere. I'm sure everyone  
20 thought the same thing, but I don't know.  
21 That's me speculating myself.

22 BY MS. LaVARCO:

23 Q Did you see any acts of aggression from  
24 Mr. Thomas or from Mr. Gray before the dog was  
25 released?

1 A Acts of aggression? No.

2 Q Did you observe any sudden movements from  
3 Mr. Thomas before Johnson unleashed his dog?

4 A No.

5 Q Did you observe anything in Mr. Thomas'  
6 waistband before Johnson released his dog?

7 A No.

8 Q Did you observe anything resembling a  
9 weapon or that you thought might have been a  
10 weapon on Mr. Thomas before Johnson released his  
11 dog?

12 A No.

13 Q Did you ever find a weapon on Mr. Thomas?

14 A No.

15 Q Did you ever find a weapon on Mr. Gray?

16 A No.

17 Q Did you ever find a weapon in the car?

18 A No.

19 Q At the time Johnson released his dog, as I  
20 understand it, you were on the scene, Robert  
21 Johnson was on the scene, Nathaniel Vital, Eric  
22 Bruss, and Asli -- is that how you say her name?

23 A Asli.

24 Q Asli --

25 A Asli Tu- --

1 Q -- Asli Tuzun?

2 A Tuzun.

3 Q Was anyone else on the scene from the  
4 constable's office?

5 A Later, lieutenant -- I can't remember his  
6 name. There was a lieutenant that made the scene.  
7 I can't remember the name.

8 Q Moncrief, perhaps?

9 A Yes, Moncrief.

10 Q But Moncrief arrived after?

11 A Way after, yeah.

12 Q Was anybody else other than the people I  
13 named on the scene before Johnson released the  
14 dog?

15 A No.

16 Q Given that you had five officers on the  
17 scene before Johnson released the dog and two  
18 suspects, why not have one of those people --  
19 perhaps Vital -- go and speak with the homeowners  
20 to get more information?

21 A The more officers that are involved in the  
22 actual custody or detention of the individuals,  
23 the less chance of a likelihood of someone getting  
24 hurt.

25 Q But didn't you say earlier that the

1 information you had was that the homeowners had a  
2 weapon and you didn't have any positive  
3 information about whether the, quote/unquote,  
4 suspects had a weapon?

5 A Yes.

6 Q So why not first secure the homeowners'  
7 weapon?

8 A Do I need to say again the same exact  
9 thing I already said?

10 MS. VINSON: Objection; asked and  
11 answered.

12 BY MS. LaVARCO:

13 Q Can you answer the question?

14 A Ask me the question again.

15 Q So why not secure the homeowners' weapon  
16 when you knew they had a weapon and you didn't  
17 have positive information that Mr. Thomas or  
18 Mr. Gray had a weapon?

19 MS. VINSON: Object to form.

20 THE WITNESS: The dispatcher  
21 provided us information that the homeowner  
22 secured their own weapon. So based on  
23 that information, we -- I wanted to use  
24 all the resources to take the two  
25 individuals into custody, or at least

1           detain them. And once the scene was under  
2           control, then I would go talk with the  
3           homeowners.

4   BY MS. LaVARCO:

5       Q           Understood.

6                   MS. LaVARCO: I think we're ready  
7           to take a break now. Does that work for  
8           you-all?

9                   MS. VINSON: Sounds great.

10                  MS. LaVARCO: Okay. What do we  
11           say, 10, 15 minutes?

12                  MS. VINSON: Ten. Let's come  
13           back -- well, let's come back at 4:20.  
14           13 minutes.

15                  MS. LaVARCO: That's fine. Yeah.

16                  And, Becky, can you let us know how  
17           much time we have on the record so far?

18                  THE REPORTER: Yes. We're on the  
19           five hours, 22 minutes.

20                  MS. LaVARCO: Thank you.

21                  THE VIDEOGRAPHER: We are now going  
22           off the record. The time is 4:07 p.m.

23                  (Recess from 4:07 p.m. to 4:24 p.m.)

24                  THE VIDEOGRAPHER: Okay. We are  
25           now back on the record. The time is

1 4:24 p.m.

2 BY MS. LaVARCO:

3 Q Mr. Schultz, I'd like to turn to what  
4 happened in the aftermath of the K-9 deployment in  
5 the case.

6 A Yes, ma'am.

7 Q Who called the assistant district attorney  
8 to try to file charges against Mr. Thomas and  
9 Mr. Gray?

10 A Yes.

11 Q That was you?

12 A Oh, yes. Yes, that was me.

13 Q Okay. Sorry. I had said "who."

14 A Oh, my bad. I thought you said "you."

15 Q And who did -- who did you speak to?

16 A Oh, was it ADA Jordan? I don't remember.  
17 I don't recall without looking at my report.

18 Q Okay. Do you -- can you tell me what you  
19 said in that conversation with the ADA?

20 A I just gave him the facts of the case. I  
21 told him the charges I was looking for. There was  
22 a lot of explanation due to the circumstances  
23 surrounding the case.

24 I knew I had a trespass based on the  
25 information with them being there the night



1 before, and then coming back after he told them  
2 not to come back on the property again. But it  
3 was the interference with the duties of a public  
4 servant that they were on the fence about, whether  
5 or not they would take the charge, and ultimately  
6 they took the two charges on the trespass.

7 Q Two charges on the trespass, so they  
8 didn't take the interference charge?

9 A They did not, no. The -- one each on  
10 Gray -- one on Gray, one on Thomas.

11 Q One on each of them for trespass?

12 A Yes.

13 Q And why didn't the DA want to take the  
14 interference charge?

15 MS. VINSON: Object to form.

16 THE WITNESS: I -- I really don't  
17 know.

18 BY MS. LaVARCO:

19 Q What did the DA tell you about why he  
20 didn't want to take the interference charge?

21 A I think they just said, "We'll take the  
22 other," and that was it.

23 Q He didn't give you any explanation?

24 A No. Sometimes they don't. They just say  
25 they'll take this and that's it.

1 Q Had you talked to the ADA in the past?

2 A I have.

3 Q Did you have a good working relationship  
4 with him?

5 A Yeah. I had no problem with that.

6 And at the end of the day, they're --  
7 they're there for guidance for us regardless. I  
8 thought I had the charge based on the information  
9 I had. He didn't feel it was as good as I did. I  
10 didn't have a problem with it.

11 Q Is criminal trespass a misdemeanor?

12 A It is.

13 Q And in what circumstances are you allowed  
14 to make an arrest for a misdemeanor?

15 A Ask me that again.

16 Q In what circumstances are you allowed to  
17 make an arrest for a misdemeanor?

18 A Any time they commit a crime and I can  
19 prove the evidence that they committed that crime.

20 Q Do you have to personally observe the  
21 misdemeanor?

22 A No. No. So long as the facts are there  
23 and I have evidence to support it, it's...

24 Q Did anything else come up in your  
25 conversation with the ADA?

1 A I don't recall.

2 Q Was your factual account to the ADA more  
3 or less the same factual account that you gave me?

4 A Yes.

5 Q Did you talk to the ADA again after the  
6 phone call on the scene?

7 A I don't believe I did. I think I actually  
8 asked him if I could do the 2B warrant at that  
9 time when I talked to him at -- because I knew  
10 Thomas was transporting.

11 Q Transporting to the hospital?

12 A Yes.

13 Q Did you talk to any other prosecutors  
14 about Mr. Gray?

15 A No.

16 Q What about when the criminal complaint was  
17 filed against Mr. Thomas? Did you speak with the  
18 prosecutor then?

19 A No.

20 Q Did you file an affidavit in support of  
21 that criminal complaint?

22 A Yes.

23 Q How did you deliver the affidavit to the  
24 district attorney's office?

25 A The new way was via email. They had an

1 email -- ever since COVID, they didn't want a  
2 bunch of deputies downtown anymore doing the  
3 warrants, so they had an email relay that went one  
4 way, came back another way, and then went back  
5 again.

6 Q What do you mean by "went one way, came  
7 back"?

8 A In other words, I sent the email with the  
9 charges, they sent it back for me to sign, I sent  
10 it back, they sent me back the warrant.

11 Q I see.

12 Were there any follow-up  
13 communications after the warrant over email --

14 A No.

15 Q -- with the prosecutor?

16 A No.

17 Q Did they contact you -- did the  
18 prosecutor's office contact you again as they  
19 proceeded with the prosecution against Mr. Thomas?

20 A No.

21 Q Did they contact you again as they  
22 proceeded with the prosecution against Mr. Gray?

23 A No.

24 Q To your knowledge, did they contact any of  
25 the other deputies on the scene as they proceeded

1 with the prosecutions against Mr. Thomas and  
2 Mr. Gray?

3 A It's not standard procedure, so I would  
4 say no.

5 MS. LaVARCO: Okay. I'd like to  
6 enter another exhibit, which is a video  
7 file. So rather than screen sharing, what  
8 we're going to do is we're using the same  
9 Google Drive folder that we used for Eric  
10 Bruss' deposition a couple of weeks ago.  
11 I'll drop the link to it so everyone has  
12 it handy into the chat here.

13 And then --

14 THE WITNESS: Click on it?

15 MS. LaVARCO: Yeah.

16 And then, Cassidy, can you put as  
17 Exhibit 10 the video file? I'll give it  
18 to you.

19 THE WITNESS: Open it up?

20 MS. LaVARCO: Hang on. The exhibit  
21 I'm looking at is not in there yet.

22 THE WITNESS: Mine is loading.

23 I did it again. I can't stop  
24 myself from whistling.

25 MS. LaVARCO: Oh, whistling?

1 MS. VINSON: Okay. Hold on.

2 What are we doing, Shirley? I'm  
3 confused. What are you asking? Let me  
4 click it.

5 MS. LaVARCO: Sorry. We can just  
6 hang on a moment. What I've asked -- I've  
7 just shared the link to the exhibit  
8 folder. I've asked Cassidy --

9 Cassidy, you're on; right?

10 MS. KRISTAL-COHEN: Yeah. I'm  
11 here. I think the video is just loading.

12 MS. LaVARCO: Okay. Okay. So we  
13 just need a minute.

14 And I think, Cassidy, if you didn't  
15 do this already, you can add it as a  
16 shortcut so that it will load more  
17 quickly.

18 Okay. I see it in my folder now.

19 If you refresh.

20 Do you see the video? It should be  
21 marked as Exhibit 10 in that folder that  
22 you're looking at if you click on  
23 Exhibit 10.

24 MS. VINSON: It's asking me to sign  
25 in to my Google Drive.

1 Are you-all trying to play a video?

2 MS. LaVARCO: Yeah, we're asking --  
3 we're going to -- I don't think that we  
4 can screen share the video. So if you  
5 need to sign in to Google Drive, maybe we  
6 can take a moment to do that.

7 I also just dropped the link to the  
8 Google -- to the video directly.

9 MS. VINSON: Let me try that. I  
10 don't know what my Google Drive password  
11 is.

12 MS. VESTAL: I also do not have  
13 access without logging in, even when you  
14 send the link.

15 MS. LaVARCO: With the link in the  
16 chat?

17 MS. VESTAL: Correct.

18 MS. LaVARCO: Okay. Can we go off  
19 the record for a moment and we'll deal  
20 with this tech issue? Because we're going  
21 to have a few more.

22 Okay. Great. Thank you.

23 THE VIDEOGRAPHER: We are now going  
24 off the record. The time is 4:33.

25 (Recess from 4:33 p.m. to 4:46 p.m.)

1 THE VIDEOGRAPHER: We are now back  
2 on the record. The time is 4:46 p.m.

3 (Schultz Exhibit 10 marked.)

4 BY MS. LaVARCO:

5 Q Mr. Schultz, I've entered Exhibit 10,  
6 which is approximately a five-minute clip from  
7 your body-worn camera footage that captures your  
8 conversation with the assistant district attorney  
9 about the charges filed against Mr. Thomas and  
10 Mr. Gray.

11 I'd like you to watch the first  
12 30 seconds of that video to refresh your memory of  
13 the first 30 seconds of that conversation, and let  
14 me know when you've finished.

15 A Okay. Give me a second.

16 Q Thank you.

17 A I'm muting you.

18 All right. I watched 30 seconds.

19 Q Thank you.

20 A Okay.

21 Q So during those 30 seconds, you told the  
22 ADA that it looked like Mr. Thomas and Mr. Gray  
23 were going to run; correct?

24 A Yes.

25 Q And then you also told the DA that they



1 chose not to run because the dog was barking;  
2 correct?

3 A Yes.

4 Q When exactly did it look to you like  
5 Mr. Thomas was going to run?

6 A That was information based on information  
7 I got from Sergeant Johnson. I never saw that.

8 Q I see.

9 And is it customary, when you're  
10 calling the ADA to file charges, that you relay  
11 information that you didn't personally observe?

12 A Yes.

13 Q So you never saw Mr. Thomas look like he  
14 was going to run from -- at any point after you  
15 arrived on the scene?

16 A Only when he got -- when he raised his  
17 head up to look where he was at when I was giving  
18 him commands and Johnson was giving him commands.

19 My head looks shiny. Sorry. Easily  
20 distracted.

21 Q You also say: "The one kid ends up  
22 getting bit by the K-9 because he won't comply.  
23 He doesn't do anything. Won't get up. Won't do  
24 anything, but he's talking to us."

25 And you say that Mr. Thomas said:

1 "'No, I ain't doing that. I ain't doing that.'

2 So, you know, my sergeant released the dog on him

3 and he ended up getting bit."

4 Did you say that?

5 A I didn't get that far yet. We only did

6 30 seconds, as requested.

7 Q Let's see.

8 A Do I need to do a minute?

9 We're at 31 seconds exactly.

10 Q And what is the time stamp at the top left  
11 of the video say?

12 A 02/22/2021 at 8:00 with 10 seconds.

13 Q Is it 20:04:10?

14 A Nope 20:00:10.

15 Q Oh, I see.

16 A You're 4 minutes ahead of me.

17 Q I see. Okay.

18 Can you jump ahead to the mark for  
19 20:04:10?

20 A Sure. It's almost going to be at the end  
21 of the video.

22 Q Yeah. It's a short 5-minute video.

23 So watch about 30 seconds there and  
24 let me know when you're done.

25 A Okay. Be right back.

1                   Okay. There was nothing about -- it  
2 was me talking -- basically wrapping it up and  
3 talking about the 2B warrant and me taking Gray in  
4 and letting Thomas go to the hospital and that he  
5 accepted the trespasses. There was nothing about  
6 what you're talking about on there.

7           Q           Nothing about Mr. Thomas failing to  
8 comply?

9           A           No.

10          Q           Do you recall telling the ADA that  
11 Mr. Thomas didn't comply?

12          A           Yes.

13          Q           What specifically did Mr. Thomas not  
14 comply with?

15          A           When he chose not to get up to my commands  
16 for him to get up.

17          Q           Is it possible that Mr. Thomas just didn't  
18 realize you were directing your orders at him?

19          A           No.

20                   MS. VINSON: Object to form.

21 BY MS. LaVARCO:

22          Q           Did you consider the possibility that  
23 Mr. Thomas just didn't realize you were talking to  
24 him?

25          A           No.

1 Q Isn't it true that multiple people were  
2 giving commands at the same time?

3 A No.

4 Q Did you consider whether Mr. Thomas was  
5 confused?

6 A No.

7 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 Q Did you hear Mr. Thomas refuse to get up  
18 off the ground verbally?

19 A In what manner?

20 Q Did you hear him say anything in response  
21 to the order to get off the ground?

22 A I don't recall.

23 Q Can you go approximately to the mark of  
24 20 -- 20:03:00 and watch about a minute?

25 A Sure.

1 Q Thank you.

2 A Sure.

3 I'm back.

4 Q During that portion of the video, at  
5 approximately the 20:03 mark, did you say that  
6 Mr. Thomas wouldn't get up, wouldn't do anything,  
7 and that he was talking to you?

8 A Yes, I did.

9 Q Did you tell the ADA that Mr. Thomas said  
10 in response to your order to get up, "No. I ain't  
11 doing that. I ain't doing that"?

12 A Yes, I did.

13 Q Did you personally hear Mr. Thomas say  
14 that?

15 A I would assume I did.

16 Q If you did hear him say that, did you ask  
17 him why he was saying he wouldn't get off the  
18 ground?

19 A That's not the time to ask why. It's the  
20 time to make him do.

21 Q Even though he was prone on the ground and  
22 you could see his hands?

23 A Yeah. He needed to get up.

24 Q Why was it so urgent that he get up, given  
25 that Mr. Gray was already in custody?

1 A We were still --

2 MS. VINSON: Objection; asked and  
3 answered.

4 THE WITNESS: We were still dealing  
5 with a weapons disturbance.

6 BY MS. LaVARCO:

7 Q Had the car been cleared at that point  
8 already?

9 MS. VINSON: Objection; asked and  
10 answered.

11 THE WITNESS: I don't -- I don't  
12 recall.

13 BY MS. LaVARCO:

14 Q Is it possible -- did it occur to you at  
15 the time that Mr. Thomas was afraid to move  
16 because he had weapons aimed on him?

17 MS. VINSON: Objection; calls for  
18 speculation.

19 THE WITNESS: No.

20 BY MS. LaVARCO:

21 Q Did it occur to you that Mr. Thomas may  
22 have had a physical injury that made it difficult  
23 for him to get off the ground?

24 MS. VINSON: Objection; asked and  
25 answered; and form.

1 THE WITNESS: No.

2 MS. LaVARCO: I've not asked that  
3 question before.

4 (Bruss Exhibit 3 tendered.)

5 MS. LaVARCO: Okay. I'd like to go  
6 to the video marked as Exhibit 3, which we  
7 first entered as an exhibit in Eric Bruss'  
8 deposition. I believe it should be in the  
9 Box folder as well.

10 (Discussion off the record.)

11 BY MS. LaVARCO:

12 Q So this is an excerpt -- or this is Robert  
13 Johnson's body-worn camera footage.

14 A Okay.

15 Q Does that appear to be what you see on  
16 your screen?

17 A It doesn't say whose it is, but it does  
18 show to be a body camera.

19 Q Okay. Can you go to the time stamp of --  
20 and go by the time stamp on the top left. Go to  
21 the time stamp of 19:40:40, and then stop at  
22 19:41:06. So it's about 30 seconds or so.

23 A 41:06?

24 MS. VINSON: Wait.

25 THE WITNESS: We're having

1 technical difficulties.

2 MS. VINSON: Let me press "play."

3 You're going to have to mute that  
4 because --

5 THE WITNESS: I'm muting you for  
6 just a second.

7 MS. LaVARCO: Okay. I put the time  
8 stamps that I want you to look at in the  
9 chat as well.

10 THE WITNESS: It's buffering and  
11 won't let it play.

12 MS. VINSON: Yeah. It won't let us  
13 go that far ahead.

14 Start it over.

15 THE WITNESS: We're starting over.

16 MS. LaVARCO: Okay. We'll give it  
17 another minute.

18 THE WITNESS: It is buffering.

19 Buffering. Buffering.

20 MS. VINSON: Oh, wait. It moved.

21 THE WITNESS: Oh, it moved.

22 MS. VINSON: What are the times?

23 MS. LaVARCO: They're in the chat.

24 19:40:40, and then stop at 19:41:06.

25 MS. VINSON: I think we're almost



1           there.

2                   THE WITNESS:   Okay.

3   BY MS. LaVARCO:

4       Q           So now that you've watched that clip, can  
5   you confirm that that was Robert Johnson's  
6   body-worn camera footage?

7       A           Yes.   Well, it was his voice.   Yes.

8       Q           So Johnson, who -- was the one who said:  
9   "The way he was acting, dude, I didn't want to be  
10   suckered in"?

11      A           Yes.

12      Q           And what did you understand Johnson to  
13   mean by that at the time?

14      A           Like, if he was to approach him, maybe he  
15   was playing to where he had a weapon and he didn't  
16   want to be in his area to where the -- where  
17   Thomas could deploy a weapon on him, is the way I  
18   understood it.

19      Q           And then you said:   "I hate that, because  
20   there's nothing I can do when you're -- when  
21   you're like that."

22                   You said that to Johnson; correct?

23      A           Right.   Yes.

24      Q           And what did you mean when you told Robert  
25   Johnson, there's nothing you can do when he's like

1 that?

2 A If there -- what I was getting at is if he  
3 had a weapon, Johnson would have been in between  
4 me and him had there been any gunfire. So when  
5 he's on that mount like that, it's hard for me to  
6 do anything to assist him until the guy's in  
7 custody.

8 Q You weren't referring to before Johnson  
9 released the dog?

10 A I don't believe I was.

11 Q Did you also say: "Because I know your  
12 dog's going to go after me and I was just letting  
13 you do your thing"?

14 A I did say that.

15 Q And what did you mean by that?

16 A For me to get -- I didn't want to get in  
17 the way of the dog.

18 Q Why not?

19 A Because I would get bit, and that would  
20 probably hurt.

21 Q And what did you mean by "just letting  
22 Johnson do his thing"?

23 A The K-9 handler has got the scene. The  
24 K-9 handler does his job.

25 Q So you should never prevent the

1 K-9 handler from doing his job?

2 MS. VINSON: Object to form.

3 THE WITNESS: At that -- no.

4 During this one, no.

5 BY MS. LaVARCO:

6 Q Do you feel comfortable intervening in K-9  
7 deployments?

8 A Like getting in between the dog and the  
9 suspect?

10 Q Intervening in any way, whether verbally  
11 or physically.

12 A Well, I can't control his dog, so I'm  
13 going to say no, I don't feel comfortable  
14 intervening.

15 Q Do you feel comfortable intervening to ask  
16 the K-9 handler to control their dog?

17 A I wouldn't have a problem with that if it  
18 needed to be addressed. You might get a, "Dude,  
19 control your dog," or, "Dude, check your dog."

20 Q So why didn't you say that here?

21 A I didn't feel --

22 MS. VINSON: Object to form; asked  
23 and answered.

24 THE WITNESS: I didn't feel it was  
25 necessary. Johnson had it.

1 BY MS. LaVARCO:

2	Q	What do you mean by "Johnson had it"?
---	---	---------------------------------------

3           A           Johnson was in control. Johnson was in  
4 control of his dog. Johnson was in control of the  
5 suspect. Johnson had everything.

6 Q And you thought all of Johnson's actions  
7 were appropriate in that deployment?

8 MS. VINSON: Object to form.

9 THE WITNESS: Yes.

10	BY MS. LaVARCO:
----	-----------------

11 Q I'm just checking the time stamps I gave  
12 you.

[REDACTED]

☐ [REDACTED]

**[REDACTED]**

☐ ☐ ☐

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[REDACTED]

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15           A       At that time, I --

16 MS. VINSON: Object to form.

17 THE WITNESS: At that time, I  
18 didn't have the information. I was still  
19 working it out.

20	BY MS. LaVARCO:
----	-----------------

21 Q But you didn't consider it?

22 MS. VINSON: Object to form; asked  
23 and answered.

24 THE WITNESS: I did not.

25 MS. LaVARCO: Okay. I'd like to go

1 to the next exhibit. Let me see if it's  
2 in the Box folder yet.

3 Yes. Where is it?

4 Did you-all say that you were able  
5 to view Google Drive links at this point?

6 MS. VINSON: No.

7 MS. LaVARCO: Was it just because  
8 the other one was too long to buffer?

9 MS. VINSON: It keeps saying  
10 "access denied."

11 MS. LaVARCO: Okay. Deane, I'm  
12 going to drop this link in the chat and  
13 ask you to put it in the Box folder.

14 MS. VINSON: I have Exhibit 4 in  
15 here. That's not what you want?

16 MS. LaVARCO: No.

17 THE VIDEOGRAPHER: I've requested  
18 access to the latest.

19 MS. LaVARCO: Okay. Brittany, can  
20 you give him access?

21 MS. FRANCIS: I'm sorry. I don't  
22 see a request for access on this latest  
23 link.

24 MS. KRISTAL-COHEN: I just shared  
25 access, so we should be good to go.

1 THE VIDEOGRAPHER: It's downloading  
2 now and it will be up on Box momentarily.

3 MS. LaVARCO: Thank you.

4 THE VIDEOGRAPHER: That is now  
5 ready.

6 (Schultz Exhibit 11 marked.)

7 MS. LaVARCO: Okay. It should be  
8 just a 20-second clip from Robert  
9 Johnson's body-worn camera footage. So  
10 can you just watch it in its entirety and  
11 let me know when you're finished?

12 THE WITNESS: Going in.

13 MS. LaVARCO: Thanks.

14 THE WITNESS: We don't see it yet.  
15 It --

16 MS. LaVARCO: Can you hit  
17 "refresh"?

18 MS. VINSON: Yeah. There it is.

19 THE WITNESS: There you go. All  
20 right. We'll be right back.

21 MS. VINSON: So the short clip or  
22 the long clip?

23 MS. LaVARCO: Short clip.

24 THE WITNESS: All right. We'll be  
25 right back.

1 MS. LaVARCO: And while we're doing  
2 that, which exhibit number are we up to?  
3 Deane, do you know?

4 THE VIDEOGRAPHER: I was just  
5 looking back in my notes. This should be  
6 either 11 or 12. I believe it's 11, but I  
7 would need confirmation.

8 MS. LaVARCO: Okay. Yeah, I don't  
9 think we reserve -- referred to an  
10 Exhibit 11 yet, so I think it's  
11 Exhibit 11.

12 THE WITNESS: When you-all are  
13 talking, I can't hear. Sorry.

14 MS. LaVARCO: Oh, apologies. We'll  
15 be quiet and you can go ahead and listen  
16 again.

17 THE WITNESS: Thank you.

18 All right.

19 BY MS. LaVARCO:

20 Q So was that a clip from Robert Johnson's  
21 body-worn camera footage?

22 A Appeared to be, yes.

23 Q Who did Johnson appear to be talking to in  
24 that clip?

25 A My only guess would be



1 Lieutenant Moncrief.

2 Q What did Johnson say to Moncrief?

3 A Stated that it was a generic dog bite,  
4 wanted to know if he was still sitting. I don't  
5 know if that meant asking if he was at dinner or  
6 whatnot, but -- and then asked him if he was  
7 making it up there.

8 Q Did Johnson say specifically that it was  
9 "just a generic dog bite for refusal"?

10 A Yes, he did.

11 Q What do you understand that to mean?

12 A I have --

13 MS. VINSON: Objection; form.

14 THE WITNESS: I have no idea.

15 BY MS. LaVARCO:

16 Q Did it appear to be -- in your experience,  
17 was this a generic K-9 apprehension?

18 A I don't know what a "generic K-9  
19 apprehension" is.

20 Q Was there anything unusual, based on your  
21 observations, about this K-9 apprehension, as  
22 compared to other K-9 apprehensions you've  
23 observed?

24 A No.

25 MS. LaVARCO: Okay. Next clip

1 should be Exhibit 11. I'm dropping it  
2 here.

3 Oh, sorry. This is Exhibit 12.

4 Excuse me.

5 (Schultz Exhibit 12 marked.)

6 MS. VINSON: Is this a long clip?

7 MS. LaVARCO: No.

8 Deane, have you requested access?

9 THE VIDEOGRAPHER: Yes, ma'am.

10 MS. VINSON: Becky, how much time  
11 have they used?

12 THE REPORTER: 5 hours, 58 minutes.

13 MS. FRANCIS: I just want to  
14 confirm, Deane, do you have access now?

15 THE VIDEOGRAPHER: Not yet, no.

16 MS. FRANCIS: Cassidy, can you give  
17 him access? I'm not seeing your request  
18 on my end.

19 MS. KRISTAL-COHEN: I'm not seeing  
20 a request on my end.

21 MS. LaVARCO: Deane, can you just  
22 give us your email address in the chat and  
23 we can give you access directly so you  
24 don't have to request it?

25 MS. FRANCIS: Okay, Deane. I gave

1           you access. Let me know if that worked.

2           THE VIDEOGRAPHER: Yes. That just  
3           worked, and uploading now.

4           There we go. Thank you for your  
5           patience, everyone.

6           MS. LaVARCO: Thanks for your help.

7           THE WITNESS: Sure enough.

8   BY MS. LaVARCO:

9       Q       Okay. Go ahead and watch this clip, which  
10       is just another short clip from Robert Johnson's  
11       body-worn camera footage.

12      A       Okeydoke. Be right back.

13                Okay.

14      Q       So is that another clip from Robert  
15       Johnson's body-worn camera footage?

16      A       Sounds like it, yes.

17      Q       Who is Johnson talking to in that clip?

18      A       I --

19                MS. VINSON: Object to form.

20                THE WITNESS: I actually have no  
21       idea.

22   BY MS. LaVARCO:

23      Q       You don't recognize their voice?

24      A       I did not.

25      Q       Who else was on the scene other than the

1 officers that you've named so far?

2 A Just Moncrief.

3 Q Just Moncrief, and nobody else responded  
4 after the dog was unleashed?

5 A I don't believe so, no.

6 Q What about somebody who's last name is  
7 Ontiveros Rivera? Did they come to the scene or  
8 they met you somewhere else?

9 A I don't -- I think he went to the hospital  
10 to check on Thomas. I don't think he ever made  
11 the scene.

12 Q Would you recognize Moncrief's voice?

13 A I didn't recognize that voice to be  
14 Moncrief or Ontiveros.

15 Q Would you recognize Moncrief's voice if  
16 you heard it?

17 A Yes.

18 Q Would you recognize Ontiveros' voice if  
19 you heard it?

20 A Definitely, yes.

21 Q And you would recognize the voice of  
22 anyone who was on the scene who you have mentioned  
23 so far?

24 A I believe so. I would, yeah.

25 Q And that was nobody that you know of?

1 A It didn't sound familiar to me.

2 Q Okay.

3 A It sounded like someone was whispering,  
4 though, so I don't know.

5 Q And someone asked Robert Johnson how his  
6 dog is doing, correct, in Exhibit 12?

7 A Yes.

8 Q And does Robert Johnson say, quote,  
9 "full"?

10 A That's what he says.

11 Q And does -- but does he then say, quote,  
12 "satisfied"?

13 A That's what he says, yes.

14 Q What do you make of that?

15 A I have no idea.

16 Q Is it fair that Robert Johnson was saying  
17 that his dog was "full" and "satisfied" after  
18 chewing on Mr. Thomas' arm?

19 MS. VINSON: Object to form.

20 THE WITNESS: I really can't answer  
21 that. I don't know what he was talking  
22 about. He might have just fed the dog. I  
23 don't know.

24 BY MS. LaVARCO:

25 Q Did you hear the other person laugh?

1 A Actually, I didn't. It was real low.

2 Q Did you perceive it as a joke?

3 MS. VINSON: Object to form.

4 THE WITNESS: It sounded like  
5 someone might have been kidding around a  
6 little bit.

7 BY MS. LaVARCO:

8 Q And was the time approximately 7:50 p.m.?

9 A Yes. Yes. I don't -- I don't --

10 MS. VINSON: If you can answer  
11 that.

12 THE WITNESS: I don't know.

13 BY MS. LaVARCO:

14 Q What's the time stamp on the video where,  
15 it ends?

16 A I don't know. I don't see --

17 MS. VINSON: We don't have the  
18 video up anymore.

19 BY MS. LaVARCO:

20 Q Can you pull it up?

21 A At the end of the video, it is 19:52 --  
22 oh, it won't go. It looks like 19:52 and  
23 15 seconds -- or 19:52 -- yeah. 19:52.

24 Q So Johnson would have still been on the  
25 scene after deploying the K-9 on Mr. Thomas?

1 A Yes.

2 Q So it's likely that the "full" and  
3 "satisfied" response was with respect to the K-9  
4 deployment?

5 MS. VINSON: Object to form.

6 THE WITNESS: That's --

7 MS. VINSON: Asked and answered.

8 He said he doesn't know.

9 THE WITNESS: I still don't know.

10 MS. LaVARCO: Okay. We are going  
11 to move to Exhibit 13, which is already in  
12 the Box folder. It is labeled currently  
13 "Schultz BWC Long Clip."

14 (Schultz Exhibit 13 marked.)

15 BY MS. LaVARCO:

16 Q And let me know when you've got it up.

17 A I've got that -- oh, we've got it up.

18 Q Thank you.

19 Can you play approximately the first  
20 55 seconds of that footage and hit pause at the  
21 19:25:53 time stamp? And I'll put that in the  
22 chat so you have it as reference. I put range  
23 19:24:58, which is when the video starts, to  
24 19:25:53.

25 A Okay. We'll be right back.

1 Okay.

2 Q And was that a clip from your body-worn  
3 camera footage on February 22nd, 2021?

4 A It was.

5 Q Does Exhibit 13 show you arriving on the  
6 scene and positioning yourself right behind Robert  
7 Johnson and his K-9?

8 A Not right behind, but behind him and over  
9 to the left, yes.

10 Q Approximately how far from Robert Johnson?

11 A 10 feet. 8 feet.

12 Q Does it look like it showed Robert Johnson  
13 struggling to control his K-9?

14 A I wouldn't say "struggling," but he is  
15 getting his K-9 in deployment ready.

16 Q Was the K-9 yanking away from the leash?

17 A I don't believe he had him on a leash.

18 Q Was he yanking away from Robert Johnson's  
19 grip on its collar?

20 A I don't know if he was yanking away. I  
21 think he was trying to spin around. So it didn't  
22 look like he was yanking away from me --

23 Q Did it look like --

24 A -- or not from me, but from Johnson.

25 Q Did it look like the K-9 was trying to



1 spin around? Is that what you said?

2 A Yes.

3 Q "Spin around" meaning to face who?

4 A I think they just -- like I said earlier,  
5 they get excited when they get out of the truck,  
6 and he knows he's in the work environment. I  
7 think he was just hyped up, excited.

8 Q Excited to participate -- did it appear  
9 that the K-9 was excited to potentially apprehend  
10 a suspect?

11 MS. VINSON: Object to speculation  
12 of what the K-9 was thinking.

13 THE WITNESS: Yeah. I don't know  
14 what the dog was thinking.

15 BY MS. LaVARCO:

16 Q But based on your observation that he  
17 appeared "hyped up," did it appear that he was  
18 hyped up because he's excited to work, as you  
19 said?

20 MS. VINSON: Object to speculation  
21 on why the K-9 was doing what he was  
22 doing.

23 THE WITNESS: Yeah, I would guess  
24 he was -- he was wanting to work.

25

1 BY MS. LaVARCO:

2 Q Did you hear Eric Bruss using profanity in  
3 that clip?

4 A I actually did not hear Bruss using  
5 profanity in that clip.

6 Q Did you hear anyone use the word  
7 "motherfucker"?

8 A I -- in that clip, I did not.

9 Q Does the exhibit show that you had a clear  
10 view of Mr. Thomas?

11 A I had a good view, yes.

12 Q Does Exhibit 13 show that you had a good  
13 view of Mr. Thomas' hands?

14 A The camera shows that I have a good  
15 view -- really good view of the right half of his  
16 body.

17 Q And what about the left half of his body?  
18 Can you see his hands?

19 A I can see. There's a shadow still, like I  
20 was talking about earlier.

21 Q Can you drag the cursor to the time stamp  
22 at 19:25:43 and tell me if you have a clear view  
23 of Mr. Thomas' hands?

24 A Because that one hand is on the curb, that  
25 was probably where I was having the problem with

1 really identifying that hand on the left side of  
2 his body.

3 Q Did you think at that moment that  
4 Mr. Thomas had a weapon in that hand?

5 A He could have had a weapon in the fold of  
6 the concrete, absolutely.

7 Q Did you think that at the time?

8 A Probably.

9 Q Why didn't you alert Robert Johnson that  
10 you believed Mr. Thomas to have a weapon in his  
11 hand?

12 A We all believed Johnson [sic] to have a  
13 weapon at that time until we proved he did not  
14 have a weapon. I did not need to reconvey that.

15 Q But wasn't that just based on the general  
16 advice that you assume everybody is armed until  
17 you prove otherwise?

18 A No. We had information that it was an  
19 armed suspect call when it originally went out.

20 Q But if you specifically believe you see a  
21 weapon in a suspect's hand, isn't that something  
22 that you would want to warn other deputies --

23 A If I'm --

24 Q -- on the scene about?

25 A If I would have seen a gun, I would have

1 yelled "gun." I did not see a gun, but I did not  
2 see a clear hand either.

3 Q Is Mr. Thomas in the prone position?

4 A Yes.

5 Q Is the prone position a threatening or a  
6 nonthreatening position for a suspect to take?

7 A Depends on the suspect.

8 MS. VINSON: Object to form.

9 BY MS. LaVARCO:

10 Q In your training and experience, is a  
11 prone position a threatening position for a  
12 suspect to take?

13 A I had a suspect in a prone position on one  
14 of my buddies jump up and kill him, so yes.

15 Q Generally, a prone position is a  
16 threatening position for a suspect to take. Is  
17 that your testimony?

18 MS. VINSON: Object to form.

19 THE WITNESS: I don't use  
20 "generally," because every situation is  
21 different.

22 BY MS. LaVARCO:

23 Q If you were training an officer on whether  
24 or not they -- whether or not force is  
25 appropriate, would you tell them that a prone

1 position is a threatening position for a suspect  
2 to take?

3 A I would tell them until they're in  
4 custody, anything can happen.

5 Q Would you tell them that a prone position  
6 is a threatening position for a suspect to take?

7 A Yeah. I would tell them from a prone  
8 position -- I would tell them the story I just  
9 told you, that you could be killed from the prone  
10 position. Until that person's in custody, do not  
11 put your guard down. Absolutely.

12 Q Is a prone position a more or a less  
13 threatening position than a standing posture?

14 A Less.

15 Q Is a prone position a more or less  
16 threatening position than a seated posture?

17 A They'd be about the same.

18 Q If somebody's sitting on the ground  
19 upright facing you, you would feel just about as  
20 threatened if they were facedown on the ground?

21 A If they were seated on the curb, I would  
22 feel more threatened by the person in the prone  
23 position. It's easier to push up from a pushup  
24 position than it is to get up from your butt. So  
25 the prone would be more aggressive than sitting.

1 Q Does this video clip show that you aimed a  
2 weapon on Mr. Thomas?

3 A I aimed a conducted energy weapon at him,  
4 yes.

5 Q Is that a Taser?

6 A That is a Taser.

7 Q Was the Taser equipped with a laser?

8 A It was equipped with two lasers.

9 Q Where were the lasers aimed?

10 A Just in his general direction.

11 Q Were they aimed around Mr. Thomas' head?

12 A They were aimed in his head area, but I  
13 was trying to hit towards his back area.

14 Q But it did circle around his head, the  
15 laser?

16 A Yes.

17 Q Can you play approximately the next  
18 40 seconds of footage and stop at the 19:26:33  
19 time stamp?

20 A Sure. Be right back.

21 Q I will -- I'll put the range in the chat,  
22 which is 19:25:53 to 19:26:33.

23 A Okeydoke.

24 Q Can you briefly tell me what you saw in  
25 those 40 seconds of footage?

1 A It sounded like Bruss -- is that still on?

2 It sounded like Bruss was giving  
3 orders on the other side to Gray.

4 Q Did Bruss take Gray into custody?

5 A I don't know. I think him and Tuzun did.

6 Q Did you say, "Bruss, you taking him to  
7 you"?

8 A Did I say that?

9 Q Yes.

10 A No, I did not.

11 Q Was that you who said, quote, "I still got  
12 this one"?

13 A Yes. Right at the end of that clip, yes.

14 Q And what did you mean by that?

15 A That I had him covered still.

16 Q "Him" who?

17 A Thomas.

18 Q And what was Mr. Thomas doing at that  
19 point?

20 A He was still on the ground, awaiting our  
21 orders on the other side.

22 Q Prone on the ground?

23 A Yes.

24 Q Was he moving at all?

25 A Yeah. He lifted his head up at one time.

1 I asked him to look away from us.

2 Q Did he lift his head?

3 A Yes.

4 Q He lifted his head during those

5 40 seconds, or at some point later?

6 A No. During that 40 seconds.

7 Q After Mr. Gray was arrested, was it fair  
8 to say that the scene was more secure at that  
9 point than it had been prior to Mr. Gray's arrest?

10 A No.

11 Q Why wasn't it fair to say that?

12 A I still had a suspect that was not in  
13 custody, and I still had not cleared a car.

14 Q Isn't a scene more secure once you've  
15 secured at -- once you've had at least one suspect  
16 in custody?

17 A Lord, no.

18 Q So even though you had one suspect in  
19 custody and handcuffed without incident or without  
20 force being needed to be used, that didn't change  
21 your assessment of the threat level at all?

22 A It could have -- it could have increased  
23 the threat level, because now their buddy's not in  
24 the way, and if there is someone lying in wait  
25 with a weapon inside the car, now they can go



1 ahead and shoot at us without thinking they're  
2 going to hit their buddy. So no, ma'am.

3 Q Did you have any reason to think that  
4 Mr. Thomas was going to shoot at you?

5 A I didn't know who was in the car.

6 Q Did you have a specific reason to think  
7 that someone else was in the car?

8 A I've already told you, someone's always in  
9 the car until I prove they're not in the car.

10 Q So that's a general rule and not based on  
11 specific facts on the scene?

12 A Correct.

13 Q And you said to Mr. Thomas, "I'll get  
14 him" -- you said on the scene, "I'll get him";  
15 correct?

16 A "I'll get him"? I don't remember saying  
17 "I'll get him," but -- is that what I said? Sure.

18 Q That's what's captured on the footage.

19 A Okay.

20 Q So then you gave the initial orders for  
21 Mr. Thomas to stand up from the prone position?

22 A Correct.

23 Q And how did he respond to that order  
24 initially?

25 A He refused to comply.

1 Q Refused how?

2 A By not doing what I asked him to do.

3 Q Did he respond to the order at all  
4 initially?

5 A Not on this portion of the video.

6 Q So he just laid there in the same prone  
7 position that he was in prior to you giving the  
8 order?

9 A Yes.

10 Q Without moving?

11 A He moved his head.

12 Q Did you address him by "you in the gray"?

13 A I did.

14 Again, that wasn't in this portion of  
15 the video you just asked me to watch, but I do  
16 remember calling him out by the color of his  
17 clothing.

18 Q Can you tell me at exactly which time  
19 stamp Mr. Thomas lifted his head? I'll give you a  
20 minute to scroll through it.

21 A Sure. Yeah. Hang on a second.

22 Q If it's helpful, I have it as the 19:27:05  
23 time stamp when Mr. Thomas lifts his head.

24 A (Indicating.)

25 MS. LaVARCO: Mr. Schultz has given

1 a thumbs-up.

2 THE WITNESS: We're back.

3 BY MS. LaVARCO:

4 Q Did you see Mr. Thomas lift his head at  
5 approximately the 19:07 -- sorry -- the 19:27:05  
6 time stamp?

7 A Yes. And I will make a correction in my  
8 earlier -- that was me that said, "Bruss, you're  
9 taking him to HQ."

10 Q Got it. Thank you.

11 And Mr. Thomas lifted his head  
12 immediately after Robert Johnson gave the warning  
13 that he would release the dog?

14 A Right.

15 Q And what did you understand why Mr. Thomas  
16 lifting his head in response to the warning?

17 A I think he wanted to see directionally  
18 where he was at and what his surroundings were and  
19 where we were.

20 Q Why do you think he wanted to see that?

21 A That's what the people do when we're  
22 trying to take them to custody. They look for a  
23 way to get away, they look to see how many -- if  
24 they're outnumbered, and if there actually is  
25 something that could hurt them that could come

1 after that.

2 Q So you proceeded to Mr. Thomas, in part,  
3 assessing whether the situation was safe for him  
4 to stand up?

5 A No. I was perceiving him to see if the  
6 situation was something that he could flee from or  
7 if he needed to comply with.

8 Q And that was the first instance in which  
9 Mr. Thomas lifted his head from the prone position  
10 since you arrived on the scene?

11 A I believe that's correct.

12 Q So did it occur to you that prior to that,  
13 Mr. Thomas simply had not registered that the  
14 orders to stand up were being directed at him as  
15 opposed to directed at Mr. Gray?

16 MS. VINSON: Object to form.

17 THE WITNESS: No. That never  
18 occurred to me.

19 BY MS. LaVARCO:

20 Q Okay. I'd like you to play another  
21 15 seconds of footage. I will put the range in  
22 the chat and read it aloud for the court reporter.  
23 The range is 19:27:09 to 19:27:24.

24 A All right. We'll be right back.

25 Q Thank you.

1                   If you can pause the video  
2 specifically at the moment you see Johnson release  
3 his dog, not the time it engages with Mr. Thomas,  
4 but at the time he releases it.

5       A           Okay.

6       Q           We can't hear you.

7       A           Yeah. We're back. We're back.

8                   MS. VINSON: Were we supposed to  
9 stop at 24 or before 24?

10                  MS. LaVARCO: I had said 24  
11 initially, but now I would like to know  
12 the time stamp at which Johnson released  
13 his dog based on your observation on the  
14 footage.

15                  THE WITNESS: 21 to -- right at 21  
16 to 22. 21 to 22 is when they -- when he  
17 released the dog.

18 BY MS. LaVARCO:

19       Q           So at approximately 19:27:21 or 19:27:22?

20       A           Yes.

21       Q           And we previously agreed that Mr. Thomas  
22 lifted his head at approximately the 19:27:08  
23 mark, so that would be approximately 15 seconds  
24 between the time he lifted his head from the prone  
25 position and the time Robert Johnson unleashed his

1 K-9 on Mr. Thomas?

2 MS. VINSON: Object to form;

3 misstates the testimony.

4 THE WITNESS: Okay. Yes.

5 BY MS. LaVARCO:

6 Q Does that sound right to you? Is that  
7 what you observed, that there were approximately  
8 15 seconds that passed between the time Mr. Thomas  
9 lifted his head from the prone position and the  
10 time that Robert Johnson unleashed the dog?

11 A Yes.

12 Q Is that enough time for a suspect to  
13 comply with an order to stand up from a prone  
14 position?

15 A Yes.

16 Q Do you ever have trouble getting off the  
17 ground when you're laying on the floor?

18 A Oh, I'm big. Yes, sometimes I do.

19 Q So it could take you a little longer  
20 because of your size or physical stature?

21 A Right. But I would start moving. People  
22 would see me moving.

23 Q Did Mr. Thomas start moving once he lifted  
24 his head?

25 A No.

1 Q So the only movement he took before  
2 Johnson unleashed the dog was lifting his head  
3 from the prone position?

4 A No. He was doing something with his feet,  
5 but he wasn't bringing a knee up to get up and he  
6 wasn't putting his arms in the pushup position to  
7 push himself up.

8 Q Was he -- was he saying anything?

9 A You just completely broke up during that  
10 whole thing.

11 Q That's okay.

12 A Try again.

13 Q Was Mr. Thomas saying anything after he  
14 lifted his head before Johnson unleashed the dog?

15 A (Moving head side to side.)

16 Q You didn't hear him say, "I ain't doing  
17 that"?

18 A You are -- you are frozen.

19 Q Oh, no.

20 A You are frozen and -- hang on. My  
21 connection is unstable. Stand by.

22 MS. VINSON: I think if we put the  
23 charger in, maybe that will help.

24 Did you-all -- did we freeze on  
25 your end?

1 MS. LaVARCO: No. We can hear you.

2 Can you hear us?

3 MS. VINSON: Yeah, that's better.

4 THE WITNESS: I -- I can hear you.

5 MS. VINSON: I put the charger in.

6 I think that helps.

7 MS. LaVARCO: Okay.

8 MS. VINSON: It's an old computer.

9 MS. LaVARCO: Are we good now?

10 THE WITNESS: You-all are all  
11 frozen except for me. I can watch myself.

12 MS. LaVARCO: Okay. Becky, given  
13 that we're almost out of time, can you  
14 pause the footage -- I'm sorry. Could --  
15 we're okay? I was going to suggest we go  
16 off the record if they're having some  
17 tech- --

18 THE WITNESS: We're good to go.

19 Yup.

20 MS. LaVARCO: Okay. Great.

21 THE WITNESS: Nope. I got you.

22 You're good.

23 MS. LaVARCO: Great.

24 BY MS. LaVARCO:

25 Q So can you play the rest of the footage



1 until the clip ends at 19:24:58 and let me know  
2 when you're finished?

3 A Yes.

4 MS. VINSON: All right. Which --  
5 I'm sorry. Which video clip?

6 MS. LaVARCO: The same one we were  
7 just on, "Schultz Long BWC Clip."

8 THE WITNESS: Okay. We're in it.

9 MS. VINSON: It starts at 19:24:58;  
10 is that right?

11 MS. LaVARCO: Yes.

12 THE WITNESS: And where do you want  
13 us to play it to?

14 BY MS. LaVARCO:

15 Q Until the end. But let me -- from the  
16 moment Johnson -- hold on. Let me pull it back  
17 up.

18 So do this range that I'm about to put  
19 in the chat: 19:27:24 to 19:28:04. It's about  
20 40 seconds.

21 A All right. We're looking at it now.

22 Q Thank you.

23 A Okay.

24 Q Okay. And I apologize if I asked this  
25 question before. I'm not sure that I got an

1 answer.

2 So did Mr. Thomas say anything in the  
3 previous clip of the footage when he was asked to  
4 get up off the ground?

5 A I believe he said, "I'm not doing that."

6 Q You heard --

7 A It was real -- it was real muffled.

8 Q Did you understand what he said at the  
9 time?

10 A No.

11 Q Did you think to ask him what he was  
12 saying if you couldn't hear him well enough?

13 A I was giving super verbal loud commands.  
14 He heard me.

15 Q Okay. With respect to the clip that you  
16 just watched beginning at 19:27:24 through the end  
17 of exhibit -- of the exhibit, what happened in  
18 those about 40 seconds?

19 MS. VINSON: Object to form.

20 THE WITNESS: Johnson was taking  
21 him into custody.

22 BY MS. LaVARCO:

23 Q After Johnson released his K-9 on  
24 Mr. Thomas, were you standing nearby?

25 A Yes.

1 Q And what were you doing?

2 A I was holding cover.

3 Q Holding cover how?

4 A By having my Taser out and waiting for --  
5 to see if there was going to be any kind of  
6 movement with weapons or anything from the  
7 suspect.

8 Q And did you have a clear view of  
9 Mr. Thomas and Johnson?

10 A Yes. I had a real clear view of Johnson,  
11 not as clear of Thomas due to Johnson's size.

12 Q Did Mr. Thomas appear to be a threat at  
13 that point while Johnson was straddling  
14 Mr. Thomas?

15 A I don't believe he was a threat at that  
16 time.

17 Q At that moment, could you have asked  
18 Johnson to call off the K-9 so that it wouldn't  
19 have continued to maul Mr. Thomas?

20 A That wasn't my call to make.

21 MS. VINSON: Object to form; asked  
22 and answered.

23 BY MS. LaVARCO:

24 Q Didn't Eric Bruss have more experience  
25 with K-9s than you did, given that he was a K-9

1 handler himself?

2 A Yes.

3 Q Could you have asked for Eric Bruss' help  
4 in getting the dog off of Mr. Thomas?

5 A Again, I wasn't going to make that call.  
6 Johnson was in control -- complete control of what  
7 was going on.

8 Q Could you have, though?

9 A I had no reason to.

10 Q But you could have if you thought you had  
11 a reason to?

12 A If there was a reason, yes, I could have  
13 said something. I would have said something to  
14 Johnson had there been a reason to. There was not  
15 a reason to, so there was no reason to talk to  
16 Bruss about something I wasn't going to talk to  
17 Johnson about either.

18 Q And you were pointing your Taser at  
19 Mr. Thomas while he was being mauled by the K-9  
20 with Johnson on his back?

21 A No. I had him in the prone position, in  
22 the Sul position. Down south. It's in south.

23 Q What does that mean?

24 A I had it to where it was at the ready, but  
25 it was not in -- it was not aimed at him at that

1 time.

2 Q I see.

3 Were you afraid in that moment?

4 A No.

5 Q Why did you put your Taser away while  
6 Johnson was still on Mr. Thomas with the dog?

7 A I didn't.

8 Q Can you go to 19:27:40 in the video?

9 A Uh-huh.

10 Q That's the time stamp I have you putting  
11 your Taser away shortly after Eric Bruss stated  
12 that the vehicle had been cleared.

13 MS. VINSON: Object to form.

14 THE WITNESS: We're going back in.

15 BY MS. LaVARCO:

16 Q Thank you.

17 A I don't remember holstering my Taser until  
18 he was done.

19 MS. VINSON: So what number?

20 THE WITNESS: 19:27 -- what was it?

21 19:27 what?

22 BY MS. LaVARCO:

23 Q 19:27:40. And I thought I had put it in  
24 the chat, but I didn't.

25 A I don't see it. All right. We'll be

1 back.

2 I stand corrected. I holstered at the  
3 time you said.

4 Q You holstered your Taser at approximately  
5 19:27:40?

6 A Right. Yes.

7 Q And at that time, Johnson was still  
8 straddled on Mr. Thomas' back and the K-9 was  
9 still biting Mr. Thomas?

10 A Yes.

11 Q Why did you holster your Taser then?

12 A So I could go hands-on if I needed to.

13 Q Was it because Eric Bruss had said that he  
14 cleared the vehicle?

15 A That was another reason. But yeah. I  
16 didn't want to tase another one of the deputies or  
17 the sergeant, so I holstered in that instance to  
18 where I -- if I needed to assist Sergeant Johnson,  
19 I could assist him with my hands.

20 Q So the perceived -- the level of threat  
21 you perceived no longer justified you having your  
22 Taser out?

23 A Correct.

24 Q And you stood by at the ready in case you  
25 needed to assist Johnson with your hands?

1 A Yes.

2 Q So that entire time you perceived no  
3 threat from Mr. Thomas, as you said before, and  
4 Bruss had already cleared the vehicle, indicating  
5 that there were no other suspects to be found?

6 A I don't understand. Are you asking me if  
7 I said earlier that I felt threatened at this  
8 time?

9 Q Oh, earlier you said that Bruss -- that  
10 you did not feel threatened by Mr. Thomas while  
11 Johnson was straddling him.

12 A Correct.

13 Q So you perceived no threat from Mr. Thomas  
14 while Johnson was on his back, and then you knew  
15 that any threat from the vehicle had been cleared  
16 because Bruss cleared the vehicle; correct?

17 A Correct.

18 MS. VINSON: Object to form.

19 THE WITNESS: Correct.

20 BY MS. LaVARCO:

21 Q And you simply stood by and watched?

22 MS. VINSON: Object to form.

23 THE WITNESS: Stood by and watched  
24 what?

25

1 BY MS. LaVARCO:

2 Q Did you simply stand by and watch Johnson  
3 continue to straddle Mr. Thomas with the K-9  
4 biting him?

5 A I waited until Thomas was in custody, and  
6 I was probably scanning the scene. You can't see  
7 my head moving.

8 Q But you didn't do anything physically  
9 during that time?

10 A No, ma'am, I did not.

11 Q After -- after the vehicle had been  
12 cleared and Mr. Thomas had Johnson on his back and  
13 the K-9 mauling him, was continuing to allow the  
14 K-9 to attack him a reasonable use of force, based  
15 on your training and experience and what you  
16 observed at the time?

17 A Again, it's a K-9 issue. I don't deal  
18 with the K-9s.

19 Q So you don't know whether it was an  
20 objectively reasonable use of force to allow the  
21 K-9 to continue mauling Mr. Thomas even after  
22 there was no perceived threat?

23 MS. VINSON: Object to form.

24 THE WITNESS: I don't know if he  
25 was mauling him. I know he was holding



1 him in place.

2 BY MS. LaVARCO:

3 Q Didn't the dog yank on Mr. Thomas' arm?

4 A Well, at the time, Mr. Thomas was using  
5 his arm to resist, but probably because he was  
6 being bit by a dog.

7 Q Is it fair to say that Mr. Thomas was  
8 incapacitated by Johnson's body weight and the  
9 dog's force?

10 MS. VINSON: Object to form.

11 THE WITNESS: Is it fair to say he  
12 was? Depends on little wiry guys that you  
13 fought in the past. Little wiry guys get  
14 out -- can go in between your legs and get  
15 out from underneath you.

16 BY MS. LaVARCO:

17 Q So you had no reason to think that it  
18 wasn't unreasonable to continue letting the dog  
19 bite Mr. Thomas?

20 A At that time, no, ma'am, I did not.

21 Q Did you hear Eric Bruss say, quote, "As  
22 soon as he handcuffs you, he'll get the dog off of  
23 you"?

24 A I do recall hearing that, yes.

25 Q And you said earlier that's the proper

1 protocol, to wait until a suspect is in handcuffs  
2 before removing a K-9 from the bite?

3 A Right.

4 Q Did you also hear Eric Bruss tell  
5 Mr. Thomas to, quote, "Stop moving around," while  
6 the K-9 was tearing at Mr. Thomas' arm?

7 MS. VINSON: Object to form.

8 THE WITNESS: I did hear Eric Bruss  
9 say that, yes.

10 BY MS. LaVARCO:

11 Q Did it appear to you that Mr. Thomas was  
12 in pain?

13 A I can imagine that wouldn't feel very  
14 good, but I don't -- I don't know if he was in  
15 pain or not.

16 Q In your training and experience or your  
17 observations of K-9 apprehensions, is it easy for  
18 a suspect to lay perfectly still while they're  
19 being bitten by a K-9?

20 MS. VINSON: Object to form.

21 THE WITNESS: I would say no.

22 BY MS. LaVARCO:

23 Q So is the order from Eric Bruss to, quote,  
24 "stop moving around" one that's rational?

25 A I mean, it was given. And if Thomas could

1 have stopped, he should have stopped. But, again,  
2 like you said, is it -- is it rational? I don't  
3 know that answer.

4 MS. VINSON: Object to form.

5 BY MS. LaVARCO:

6 Q Did you think he could have stopped --

7 MS. VINSON: Object to form.

8 BY MS. LaVARCO:

9 Q -- moving around?

10 A I don't know.

11 Q After the K-9 was taking off -- taken off  
12 of the bite from Mr. Thomas' arm, did it go back  
13 in for another bite?

14 A I don't recall seeing that, but I think  
15 Johnson was able to get him under control pretty  
16 fast.

17 Q Do you recall seeing whether or not it  
18 tried to bite Mr. Thomas' pant leg?

19 A I don't recall that.

20 Q After the K-9 was taken off of Mr. Thomas,  
21 did Johnson shout, quote, "Good boy"?

22 A I do recall that, yes.

23 Q Did Johnson make other sounds celebrating  
24 the attack?

25 A I hear those guys get hoopity-hoppity when

1 they're celebrating their dogs. I don't really  
2 pay no attention to it.

3 Q By "those guys," do you mean K-9 handlers?

4 A I do.

5 Q And what do you mean by "hoopity-hoppity"?

6 A When they're like, "Oh, good boy. Good  
7 boy. Good boy." Yeah, that's what I mean.  
8 Hoopity-hoppity.

9 Q Is -- based on your observations, did  
10 Robert Johnson treat K-9 apprehensions as an  
11 opportunity to train his K-9?

12 MS. VINSON: Object to form.

13 THE WITNESS: I can't answer that.

14 BY MS. LaVARCO:

15 Q Why not?

16 A I'm not Robert Johnson.

17 MS. VINSON: Object to form.

18 BY MS. LaVARCO:

19 Q Did Eric Bruss join in the cheers or the,  
20 quote, "hoopity-hoppity," as you put it?

21 A I don't recall if he did or not. They  
22 normally don't praise each other's dogs.

23 Q K-9 handlers don't normally praise each  
24 other's dogs, you said?

25 A Correct.

1 Q Is there any law enforcement purpose for  
2 praising a dog after a suspect apprehension?

3 MS. VINSON: Object to form.

4 THE WITNESS: I have no idea.

5 MS. LaVARCO: Becky, can we get a  
6 time check?

7 THE REPORTER: 6 hours, 45 minutes.

8 MS. LaVARCO: Okay. Can we take a  
9 quick five-minute break, I'll get  
10 reoriented, and then we can wrap it up?

11 MS. VINSON: Five minutes. We'll  
12 be back on at 6:05.

13 MS. LaVARCO: Cool. Thanks.

14 THE VIDEOGRAPHER: We are now going  
15 off the record. The time is 6:00 p.m.

16 (Recess from 6:00 p.m. to 6:05 p.m.)

17 THE VIDEOGRAPHER: We are now back  
18 on the record. The time is 6:05.

19 MS. LaVARCO: I'd like to introduce  
20 Exhibit Number 14, which is another clip  
21 from your body-worn camera footage,  
22 Mr. Schultz --

23 THE WITNESS: Okay.

24 MS. LaVARCO: -- from shortly after  
25 the time Robert Johnson pulled his K-9 off

1 of Mr. Thomas. It's in the Box folder  
2 already. It's "Schultz BWC Short Clip  
3 19:29:30 to 19:29:41."

4 (Schultz Exhibit 14 marked.)

5 BY MS. LaVARCO:

6 Q Do you see it there?

7 A Yeah. Just the whole clip?

8 Q Yes. It's only about ten seconds, so you  
9 can just play it in its entirety and let me know  
10 when you're done.

11 A Going in now.

12 Q Thank you.

13 A Go ahead.

14 Q Was the -- that you asking Robert Johnson  
15 if he was all right?

16 A Yes.

17 Q And this was a clip from your body-worn  
18 camera footage; correct?

19 A Yes.

20 Q Why did you ask Johnson if he was all  
21 right?

22 A He was on the ground. The -- I didn't  
23 know if the dog got him, if there was a scuffle,  
24 if there was anything that hurt him on his  
25 knuckles on the concrete, anything like that.

1 Q Did he appear to have injured his hand?

2 A I think he did. I think we determined  
3 that was from Jeck spinning around in his hand,  
4 though.

5 Q I see.

6 And Bruss was in the background  
7 saying, quote, "He's just playing possum"; is that  
8 correct?

9 A I actually thought that was Johnson that  
10 said that, but I did hear someone say that.

11 Q Okay. And they were referring to  
12 Mr. Thomas; correct?

13 A Yes.

14 Q And what does it mean to "play possum"?

15 MS. VINSON: Object to form.

16 THE WITNESS: I can give you a --  
17 my interpretation of it. Because possums,  
18 when they are being attacked or when  
19 someone's coming after them, they'll lay  
20 down and play dead, and it's just -- they  
21 call it "playing possum," like he didn't  
22 want to get up, acted like we weren't  
23 there is the way I interpreted it.

24 BY MS. LaVARCO:

25 Q I see.

1 Did you think Mr. Thomas was playing  
2 possum?

3 A No. I thought he heard us.

4 Q Was that you who said, quote, "All he had  
5 to do was get the fuck up"?

6 A That was me that said that.

7 Q And what did you mean by that?

8 A If he would have got up and complied with  
9 my directions, turned around, came to me, he would  
10 have never got bit.

11 Q Okay. I would like to go to Exhibit 1.

12 MS. LaVARCO: Cassidy, you can go  
13 ahead and share that one on the screen  
14 because it's not a video exhibit. I think  
15 we're through with those, finally.

16 (Bruss Exhibit 1 tendered.)

17 MS. LaVARCO: Can you zoom in a  
18 bit?

19 BY MS. LaVARCO:

20 Q Mr. Schultz, do you recognize this as  
21 Precinct 1's use of force policy?

22 A Yes.

23 Q Have you read and reviewed Precinct 1's  
24 use of force policy before?

25 A I have.



1 Q And at the time of Mr. Thomas'  
2 apprehension, had you read it and were familiar  
3 with it?

4 A I had read it, yes.

5 MS. LaVARCO: Cassidy, can you go  
6 to Page 23 of the document?

7 BY MS. LaVARCO:

8 Q Have you seen this image before,  
9 Mr. Schultz?

10 A Yeah. It was new right before I left.  
11 Yes.

12 MS. LaVARCO: Can you go to the  
13 bottom of the page, Cassidy?

14 BY MS. LaVARCO:

15 Q Do you see that this policy states the  
16 last revised date was February 2021?

17 A Yes.

18 Q So given that the K-9 apprehension in this  
19 case took place in February 2021, this would have  
20 been the operative policy at the time?

21 A Yes. That makes sense.

22 MS. LaVARCO: Okay. Can you go  
23 back to the image, Cassidy?

24 And I'd like to state for the  
25 record that the immediately preceding

1 version in July 2020 had the exact same  
2 image.

3 BY MS. LaVARCO:

4 Q So do you see on the top right box the  
5 "Individual" -- I'll start again.

6 So the image -- can you describe to me  
7 what this image is?

8 A Which one?

9 Q The image with a deputy standing and the  
10 words "resistive," "cooperative,"  
11 "life-threatening, serious bodily injury," and  
12 "assaultive/high risk."

13 What is this image?

14 A It's going to be what force can be  
15 utilized based on the situation.

16 Q And do you see on the top right corner, it  
17 says "assaultive/high risk" --

18 A I do.

19 Q -- and it shows what types of force can be  
20 utilized when a suspect's exhibiting assaultive or  
21 high-risk actions?

22 A I do.

23 Q And do you see that that "K-9" is on that  
24 list?

25 A I do see that.

1 Q Do you see under -- where it says  
2 "Individual's Actions" with a label "resistive"?

3 A Yes.

4 Q Is "K-9" on the list of acceptable uses of  
5 force for a suspect whose actions are resistive?

6 A I do not see it there.

7 Q So does that tell you that this policy  
8 indicates that the use of force -- the use of K-9  
9 to apprehend a suspect is appropriate when a  
10 suspect is exhibiting assaultive or high-risk  
11 behavior?

12 MS. VINSON: Object to form.

13 THE WITNESS: I would -- I would  
14 say this is a guideline, and there's going  
15 to be times where, based on the K-9  
16 handler's knowledge, they're going to be  
17 able to use something above what is on the  
18 guideline.

19 BY MS. LaVARCO:

20 Q Were you trained on this image?

21 A I want to say yes.

22 I don't believe I was trained on this  
23 image. My image was much different when I went  
24 through the original use of force training. And  
25 this was -- like I said, this was adopted later

1 when we all had to go through use of force  
2 training is when I saw it and really became  
3 familiar with it.

4 Q So you weren't aware -- to your knowledge,  
5 this image only represents a guideline about the  
6 permissible uses of force in response to different  
7 types of suspect behaviors; is that correct?

8 A Yes.

9 Q And these are not mandatory?

10 A No.

11 MS. LaVARCO: Cassidy, can you  
12 control-F for the statement: "Peace  
13 officer's shall only use physical force  
14 when no other viable option"?

15 BY MS. LaVARCO:

16 Q Do you see, Mr. Schultz, that the policy  
17 says: "Peace officers shall only use physical  
18 force when no other viable option is reasonably  
19 available for resolving an incident without using  
20 force" --

21 A I do see it.

22 Q -- "and when no -- other nonphysical  
23 options have proven ineffective"?

24 MS. VINSON: Object to form.

25 THE WITNESS: Yes.

1 BY MS. LaVARCO:

2 Q Were there any other viable options before  
3 releasing the K-9 on Mr. Thomas?

4 A At that point, I could have tased him.  
5 But, again, that would have put me in close  
6 proximity of the vehicle, and Johnson released his  
7 dog. So I did not -- I did not have another  
8 viable option.

9 Q Did Johnson have another viable option?

10 MS. VINSON: Object to form.

11 THE WITNESS: I believe Johnson did  
12 have another viable option.

13 BY MS. LaVARCO:

14 Q What other viable option do you believe  
15 Johnson had?

16 A He could have went to Taser, but he would  
17 have had to put his dog up, and he's not going to  
18 tase someone with the dog in his hand. I already  
19 had Taser cover. So I don't think the option was  
20 available, but the option was there.

21 Q Could Johnson have suggested that you use  
22 your Taser rather than Johnson deploying his dog?

23 A Yes, he could have.

24 Q But he didn't?

25 A He did not.

1 Q Did you expect for Johnson to release his  
2 dog in the moment that he did?

3 A I -- when the dog got released, I just  
4 followed up on it.

5 MS. LaVARCO: Cassidy, can you  
6 control-F for the words "regardless of  
7 rank"?

8 BY MS. LaVARCO:

9 Q Mr. Schultz, could you just read the first  
10 sentence of that highlighted paragraph for me?

11 A "Any officer present and observing another  
12 officer, regardless of rank, using force that is  
13 clearly beyond that which is objectively  
14 reasonable under the circumstances shall, when in  
15 a position to do so, safely intervene to prevent  
16 the use of excessive force."

17 Q Were you aware of this policy about the  
18 duty to intervene?

19 A Yes, I was.

20 Q Were you aware that it applied regardless  
21 of rank?

22 A I remember reading it now that I just  
23 reread it, yes.

24 MS. LaVARCO: Cassidy, can you  
25 search for "any failure to intervene."

1 BY MS. LaVARCO:

2 Q Can you read the sentence that's partially  
3 highlighted?

4 A "Any failure to intervene and/or failure  
5 to report improper use of force shall be grounds  
6 for discipline up to and including termination."

7 Q So you understand this policy to require  
8 you to intervene if you observe another officer  
9 using excessive force?

10 A I understand it says if I can safely  
11 intervene, I shall.

12 Q Was it safe for you to ask Robert Johnson  
13 to slow down?

14 A Once he released the dog, no.

15 Q Was it safe for you to ask Robert Johnson  
16 to slow down before he unleashed the dog?

17 A At that point, he wasn't speeding up. He  
18 wasn't doing anything fast. That's the way I saw  
19 him operate.

20 Q So you thought -- did you think there was  
21 likely to be more time before Johnson unleashed  
22 the dog?

23 A Possibly.

24 Q Would you have given more time for  
25 Mr. Thomas to comply before tasing him if Johnson

1 had not unleashed the dog first?

2 A Potentially, yeah.

3 MS. LaVARCO: Cassidy, you can pull  
4 the exhibit down.

5 BY MS. LaVARCO:

6 Q Were you aware that Mr. Thomas called 911  
7 the day after he was bitten by the K-9, saying  
8 that he felt suicidal?

9 A I was not aware of that.

10 Q Have you read Robert Johnson's report at  
11 any point?

12 A I did not.

13 Q Now that you've took a closer look at the  
14 use of force policy, do you think Mr. Johnson  
15 should have done anything differently?

16 A I can't answer that. I'm not in Robert  
17 Johnson's head.

18 Q If you were conduct -- if you were  
19 conducting a use of force review, as you did, for  
20 example, on that commission you were telling me  
21 about earlier and you had this evidence in front  
22 of you -- you had the policy -- the use of force  
23 policy, and you had the body-worn camera  
24 footage -- would you -- do you feel that Robert  
25 Johnson should have done anything differently in



1 light of that?

2 MS. VINSON: Object to form.

3 THE WITNESS: He might have waited  
4 a little bit longer. Maybe a couple  
5 seconds. A few seconds more.

6 BY MS. LaVARCO:

7 Q Is there anything else he could have done  
8 before releasing the K-9?

9 MS. VINSON: Object to form.

10 THE WITNESS: I mean, the guy  
11 needed to get up. We didn't have anything  
12 on the car. That was the biggest problem,  
13 was the -- having to navigate the car. So  
14 I -- no.

15 BY MS. LaVARCO:

16 Q Do you feel you could have done anything  
17 differently having now read the use of force and  
18 the duty to intervene policy?

19 A Honestly, I did not have a good Taser shot  
20 on him. I was using the Taser more for  
21 intimidation than I was to actually deploy the  
22 weapon. I wouldn't have deployed my Taser the way  
23 I had him.

24 Q Would you have done anything else  
25 differently?

1       A       Probably not. And only because the dog  
2       was there. Had the dog not been there, I might  
3       have approached and had someone flank the car.  
4       But because the dog was there, the dog was the  
5       primary use -- the primary thing we were using.

6               MS. VINSON: Guys, time's up.

7               MS. LaVARCO: Just one more  
8       question.

9       BY MS. LaVARCO:

10      Q       What does it mean to "flank the car"?

11      A       To have someone on the other side to where  
12      there's no way possible that someone was behind  
13      the car and could be a threat to us.

14      Q       I see.

15               And that's what you would have done if  
16      the K-9 weren't there?

17               MS. VINSON: We're done. You got  
18      seven hours. We're exhausted. Sorry.

19               MS. LaVARCO: Just "yes" or "no,"  
20      please.

21               MS. VINSON: No. That's the last  
22      question. You're out of time, Shirley.

23               MS. LaVARCO: You also had some  
24      technical difficulties. It's literally  
25      taking more time to argue about this than

1 for him to answer the question.

2 MS. VINSON: Shirley, we are not  
3 going to go past seven hours. You're  
4 entitled to seven hours, and we're not  
5 going a single --

6 MS. FRANCIS: Can we have the  
7 court --

8 MS. LaVARCO: We had to argue  
9 about -- we had to argue about you  
10 influencing the witness. I am asking a  
11 final yes-or-no question.

12 MS. VINSON: That's what happens in  
13 a deposition. We have disagreements.

14 MS. LaVARCO: I had --

15 MS. VINSON: Good night, y'all.

16 Can we --

17 MS. LaVARCO: I had one final  
18 question. It was a "yes" or "no."

19 THE WITNESS: I don't even remember  
20 the question.

21 MS. VINSON: You're not answering  
22 it. We're done.

23 MS. LaVARCO: You're instructing  
24 the witness not to answer the question.

25 MS. VINSON: What --

1 MS. LaVARCO: Brittany, can --

2 MS. VINSON: Hey, what time is it,

3 Becky? I mean, how many --

4 MS. FRANCIS: You should have asked

5 that before you interrupted, Celena.

6 MS. VINSON: How many -- no. I

7 want it on the record that we're still

8 talking right now, and it --

9 MS. LaVARCO: We didn't have to

10 still be talking. Mr. Schultz could have

11 answered "yes" or "no," and that could

12 have been it.

13 MS. VINSON: Becky, can you tell us

14 the time, please?

15 THE REPORTER: 7 hours, 1 minute.

16 MS. VINSON: Yeah. All right.

17 Bye, y'all.

18 MS. LaVARCO: And what was the time

19 when -- what was the time when Ms. Vinson

20 interrupted?

21 THE REPORTER: It was right at

22 seven hours.

23 MS. VINSON: Good night.

24 MS. LaVARCO: Can we get --

25

1 BY MS. LaVARCO:

2 Q Mr. Schultz, can you answer the yes-or-no  
3 question?

4 MS. VINSON: No.

5 (Ms. Vinson and Mr. Schultz exited the  
6 remote proceedings.)

7 THE VIDEOGRAPHER: They have left  
8 the meeting.

9 MS. FRANCIS: Okay.

10 MS. LaVARCO: Okay. We can go off  
11 the record.

12 MS. FRANCIS: Thank you.

13 THE VIDEOGRAPHER: This concludes  
14 today's deposition. We are going off the  
15 record at 6:22 p.m.

16 (Off the record at 6:22 p.m. CST)

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

KERRY LEE THOMAS, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 ) Case No. 4:23-cv-00662  
 ERIC M. BRUSS; WAYNE SHULTZ; and )  
 KEITH MORRIS, in his capacity as )  
 Temporary Defendant )  
 Administrator of the Estate of )  
 Robert Johnson, )  
 )  
 Defendants. )

REPORTER'S CERTIFICATION  
REMOTE VIDEOTAPED DEPOSITION OF  
WAYNE SCHULTZ  
April 2, 2024

I, Rebecca A. Graziano, Certified Shorthand  
Reporter in and for the States of Texas,  
California, and Illinois, hereby certify to the  
following:

That the witness, WAYNE SCHULTZ, was duly  
sworn and that the transcript of the oral  
deposition is a true record of the testimony given  
by the witness;

I further certify that pursuant to FRCP Rule  
30(f)(1) that the signature of the deponent:  
\_\_\_\_\_ was requested by the deponent or a  
party before the completion of the deposition and  
returned within 30 days from date of receipt of

398

the transcript. If returned, the attached Changes and Signature Page contains any changes and the reasons therefor.

\_\_\_\_\_ was not requested by the deponent or a party before the completion of the deposition.

I further certify that I am neither attorney nor counsel for, related to, nor employed by any of the parties to the action in which this testimony was taken.

Further, I am not a relative or employee of any attorney of record in this cause, nor do I have a financial interest in the action.

Certified on April 12, 2024



Rebecca A. Graziano, CSR, RMR, CRR  
Texas CSR 9306

Expiration: 07/31/24

California CSR 14407

Expiration: 09/30/24

Illinois CSR 084.004659

Expiration: 05/31/25

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